

::ORDER ON I.A.No.I::

I have perused the plaint, I.A.No.I, accompanying affidavit and the documents produced by the plaintiff in support of her case.

On perusal of the plaint averments and documents, the plaintiff has filed the present suit for the relief of permanent injunction. On perusal of the documents produced by plaintiff, this court is of the opinion that, before passing any orders on I.A.No.I, notice has to be issued to the defendants as contemplated U/o XXXIX Rule 3 of CPC.

::ORDER ON I.A.No.II::

The plaintiff has filed present suit for the relief of permanent injunction against the defendants with respect to suit schedule property.

The plaintiff has filed this IA No.II U/section 94(c) and (e) R/W Section 151 of CPC to restraining the defendants from cut and remove the standing eucalyptus trees in the suit schedule property in any manner till disposal of the suit.

I have perused the plaint, I.A.No.II, accompanying affidavit and the documents produced by the plaintiff in support of her case.

On perusal of the documents it appears that plaintiff has made out prima-facie case and balance of convenience lies in her favour.

Therefore, this court opines that ordering notice to the opponents would delay the proceedings and results in the suit becoming infructuous and if the application is not allowed, the plaintiff will be put to hardship and inconvenience and if ex-parte

temporary injunction is not granted the very purpose of the suit will be defeated. Hence, I proceed to pass following;

ORDER

The defendants or their agents, servants or anybody acting on behalf of them are hereby restrained from cut and remove the standing eucalyptus trees in the suit schedule property, till filing of written statement.

The plaintiff is hereby directed to comply order 39 Rule 3 of CPC.

Office is hereby directed to issue SS and emergent notice of IA No.I and notice of I.A.No.II to defendants and order of ex-parte injunction on IA No.II after compliance and by 28.02.2026.

Sd/-

Addl. Civil Judge & JMFC.,
Kunigal.