

::ORDER ON I.A.NO.I::

The plaintiffs have filed present suit for the relief of declaration against the defendant with respect to suit schedule properties.

The plaintiffs have filed this IA No.I U/O 39 Rule 1 and 2 CPC to restraining the defendant from obstructing the plaintiffs to use 'B' schedule road till disposal of the suit.

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

On perusal of the documents it appears that plaintiffs have made out prima-facie case and balance of convenience lies in their 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 plaintiffs 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 defendant and his agent, servants or anybody acting on behalf of him from obstructing the plaintiffs to use 'B' schedule road till filing of written statement.

The plaintiffs are hereby directed to comply order 39 Rule 3 of CPC.

Office is hereby directed to issue SS to defendant and notice of I.A.No.I to defendant and order of ex-parte injunction after compliance r/by 27.08.2024.

Sd/-
Addl. Civil Judge & JMFC.,
Kunigal.