

Heard the plaintiff side on I.A.No.2 filed U/O 39 Rule 1 and 2 R/w 151 of C.P.C. restraining the defendants from interfering in the peaceful possession & enjoyment of the plaintiff with respect to the suit schedule properties.

On perusal of the records there is no mention about caveat with regard to the suit property or against the defendants. The plaintiff has filed this suit for Permanent Injunction with respect to the suit schedule properties along with I.A.No.2 filed under order 39 Rule 1 and 2 R/w 151 of C.P.C. for grant of ad-interim relief of Temporary injunction against the defendants, restraining them from interfering in the peaceful possession & enjoyment of the plaintiff with respect to the suit schedule properties.

On perusal of the I.A.No.2, affidavit and documents produced by the plaintiff and going through the said documents and pleadings it appears that the apprehension of the plaintiff cannot be ruled out and there is a prima-facie case is in favor of the plaintiff. At this stage if the defendants are not restrained from interfering in the peaceful possession & enjoyment of the plaintiff with respect to the suit schedule properties , then the purpose of filing this suit would become infructuous and there are every possibilities of multiplicity of proceedings. Hence, at this juncture to meet the ends of justice I deem it fit to pass an order of ex-parte Temporary injunction to a limited extent. Therefore, I proceed to pass the following.

ORDER

The defendants are hereby, restrained by way of granting ex-parte temporary injunction, restraining the defendants and their agents or men from not interfering of plaintiff's peaceful possession and enjoyment of the suit schedule property, till the filing of written statement of the defendants.

The plaintiff shall comply with the provisions of under order 39 Rule 3 of C.P.C.

Office is directed to issue order of ex-parte temporary injunction if order is complied.

Issue notice on I.A.No.2 to defendants and suit summons to defendants returnable by

Prl. Civil Judge & JMFC.,
PAVAGADA.

