

ORDERS ON I.A.NO.1
FILED U/O 39 RULE 1 & 2 OF C.P.C.

Heard the plaintiff side on IA 1 filed under order 39 Rule 1 and 2 of Code of Civil Procedure for restraining the defendants from interfering with the plaintiff's usage of ABCD cart track as shown in the plaint rough sketch in any manner, during disposal of the suit.

2) Birds eye view shows, there is no caveat pending. The plaintiff has filed this suit for permanent injunction seeking for for restraining the defendants from interfering with the plaintiff's usage of ABCD cart track as shown in the plaint rough sketch pertaining to schedule properties, for costs and such sother relief, which this Court deems fit along with IA 1 filed under order 39 Rule 1 and 2 of C.P.C. restraining the defendant from interfering in the ABCD cart track as mentioned in the suit schedule properties in any manner, during disposal of the suit.

3) On perusal of the I.A.No.1, affidavit and documents produced by the plaintiff and on 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 in favor of the plaintiff. At this stage if the defendant is not restrained from interfering in the possession and usage of ABCD cart track as mentioned in the suit schedule properties in any manner, during disposal of the suit, 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 from interfering with the plaintiff's usage of ABCD cart track as shown in the plaint rough sketch and mentioned in the suit schedule properties in any manner, during disposal of the suit, in favor of plaintiffs till next date.

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.1 & suit summons to defendants returnable by 07-09-2020.

(Bharath Yogeesh Karagudari)
Addl. Civil Judge & JMFC, Pavagada.