

The Applicant has filed the application u/sec. 9 of the Arbitration and Conciliation Act, seeking an order of injunction restraining the Respondent, his agents, henchmen, attorneys, all persons claiming under of through the Respondent from in any way or manner interfering with the carrying of the quarrying operation of excavation, raising the quarried black granite slabs from the Schedule A property and storing the slabs and dumping the waste in schedule B property as the agent of the Respondent and other consequential reliefs.

In support of his case, the Applicant has produced the advance receipt, agreement dated 28-10-2019, another agreement dated 17-12-2020, quarrying plan, photographs of the work carried out by the Applicant and other related document.

Alongwith the application, the Applicant has files an application under order 39 Rule 1 and 2 of CPC r/w Sec.9 of the Arbitration and Conciliation Act, (IA No.I) seeking an order of exparte temporary injunction restraining the respondent, his agents, henchmen attorneys, all persons claiming under of through the Respondent from in any way or manner interfering with the carrying of the quarrying operation of excavation, raising the quarried black granite slabs from the Schedule A property and storing the slabs and dumping the waste in schedule B property as the agent of the Respondent, pending disposal of this case.

The Counsel for Appellant has also filed memo for production of following citation.

1. 2024 SCC OnLine Kar 65; KLR Group Enterprises V/s Madhu H.V. and others.

2. (2012) SCC Online Bom 287 Nimbus Communication Limited V/s BCCI and another.

3. (1968) 38 Comp Cas 760; Seth Loon Karan Sethiya V/s Ivan E. John and others.

Heard the Counsel for Applicant on IA

No 1/2025 and perused the Memorandum of application and documents produced alongwith the application as well as IA No.I.

On considering the pleadings, I.A No.I, affidavit and documents, this court is of the considered view that at this stage, the Applicant has made out prime facie case to grant exparte ad-interim order of temporary injunction.

Therefore, it is just and necessary to pass the order on I.A. 1/2025 or otherwise, the very purpose of filing the application and I.A 1/2025 would be defeated.

Hence, I proceed to pass following;

ORDER

The Respondent and his men, legal heirs, agents, henchmen, etc. are hereby restrained from interfering with the carrying of the quarrying operations of excavation, raising the quarried black granite slabs from the Schedule A property, storing the slabs and dumping the waste in schedule B property as the agent of the Respondent, till next date of hearing.

The Applicant shall comply the mandatory provisions of Order 39 Rule 3(A) of C.P.C.

After compliance, the office to issue the exparte ad-interim order of temporary injunction.

Issue notice to Respondent on I.A 1/2025 and T.I Order and on main application.

R/by 31-10-2025.

Sd/-

C/c Prl. District & Sessions Judge,
U.K., Karwar.