

KAUK030004342023



IN THE COURT OF THE ADDITIONAL CIVIL JUDGE & J.M.F.C-II.,
AT: KARWAR

PRESENT: **Smt. Akshatha C.R.**
B.B.A., L.L.B.(Hons.)

Addl.Civil Judge & J.M.F.C-II of Karwar.

Dated: 12th Day of January 2024.

ORIGINAL SUIT NO. 44/2023

Plaintiff/s : Ramesh Purshottam Gaonkar and another.

(By Sri. H.S.S., Adv.)

V/s.

Defendant/s : Shanta Vishram Naik and others.

(Deft. 1 to 5,7 By Sri. S.K.P.,Adv.)

(Deft. 8 by Sri. D.G.P., Adv.)

Deft. No.6 Exparte)

I.A. No. I

Applicant/s : Ramesh Purshottam Gaonkar and another.

(By Sri. H.S.S., Adv.)

V/s.

Opponent /s: Shanta Vishram Naik and others.

(Deft. 1 to 5,7 By Sri. S.K.P.,Adv.)
(Deft. 8 by Sri. D.G.P., Adv.)
(Deft. No.6 Exparte)

ORDERS ON I.A.NO.I

1. The plaintiffs have moved an application U/O. XXXIX Rule 1 and 2 R/w Section 151 of C.P.C. seeking to restrain the defendants, their men, agents, family members and henchmen from interfering in the peaceful possession of the plaintiffs over the suit schedule property and further to direct the defendants to remove the compound wall obstructing their pathway till the disposal of the suit.

2. In the affidavit annexed to the application it is stated that plaintiffs are the owners of the property comprised in Sy.No.2 measuring to an extent of 19 guntas situated at Siddar village, Karwar. Initially the property was belonging to the grandfather of the plaintiffs by name Purshottam Goankar whereas the defendants are the

owners of the land bearing Sy.No.4 which is divided in 7 hissas situated at Siddar village, Karwar. That these lands are agricultural lands. Plaintiffs have been cultivating their land since their ancestral period and they have been using the land of the defendants as pathway since 40-50 years. Plaintiffs land is facing East-West State High Way southern side. Plaintiffs requested the defendants many a time to leave three feet pathway to reach main road from his suit land. Besides plaintiffs made several applications to Gram Panchayat Vailwada as well as revenue department to take action in this regard however no there has been no use. Though it is within the knowledge of the defendants that the plaintiffs have been using the pathway to reach their land they are unnecessarily creating trouble to these plaintiffs and thereby blocking said 3 feet pathway which is situated on northern side of the plaintiffs' land to approach main road and it is depicted as ABCD. Plaintiffs made several representations to Gram Panchayat Vailwada, Tahsildar and Deputy Commissioner. However the defendants replied to the Panchayat letter stating that they

are not ready to leave 3 feet pathway. Now the defendant is troubling the plaintiffs by constructing the compound wall and thereby blocking the pathway and filling red mud. That these plaintiffs have no other approach road to reach their land and it is clear the plaintiffs have acquired the easementary rights by way of necessity. In spite of request made by the plaintiffs not to close the pathway, defendants did not heed their words. The plaintiffs are age old people and they ought to attend medical check up regularly and in case of medical emergency it will be very difficult to take them to the Hospital. The plaintiffs have been doing cultivation and will be engaged in agricultural activities continuously. Now the defendants are not allowing them to use the pathway. Further the defendants are also blocking the drainage pipe. Thus the plaintiffs have come up with this suit seeking to direct the defendants to remove the blockage of the pathway and to restrain the defendants from disturbing the peaceful enjoyment of the pathway by the plaintiffs.

3. Per contra, the defendants No.1 to 5 filed their written statement cum objections to I.A.No.I contending that the plaintiffs have filed this suit seeking the relief of bare injunction without seeking the relief of declaration and without issuing prior notice to the defendant No.8 as per the provisions of Section 289 of Karnataka Panchayat Raj Act is not maintainable and is liable to be dismissed with costs. Defendants admit that plaintiffs are the owners of the Sy.No.2. They deny the assertion that plaintiffs' land is abutting to their land. It is stated that plaintiffs' land is far away from their land and both of their lands are agricultural lands. Defendants pleads ignorance as to the assertion that plaintiffs have been cultivating their land from ancestral period. They stoutly deny that plaintiffs have been using the defendants' land as pathway since for more than 40-50 years. When there is no pathway as alleged then there is no question of using it since for more than 40-50 years. Defendants admit that plaintiffs' land is situated at extreme southern side and it is far away from the defendants' land. It is further stated that in between the

lands of the plaintiffs' and defendants many others' lands have been situated and defendants' lands are situated facing East-West towards State Highway. Further these defendants given reply to the Gram Panchayat stating that there is no pathway from the defendants' land. They deny the assertion that they are troubling the plaintiffs by constructing the compound wall and blocking the pathway. However, they are improving their lands to construct house therein. That there is no complaint by the adjacent land owners of the plaintiffs' land to reach their lands from the western side road ahead of the temple. It is further contended that plaintiffs are unnecessarily disputing with the defendants by claiming imaginary rights since their adjacent land owners bearing Sy.No.1 and 3 have been using alternative pathway as shown in plaint sketch 'DC'. Further the plaintiffs unnecessarily arrayed defendant No.6 who does not have any right in the suit land since he sold his property bearing Sy.No.4 Hissa 5 in favour of defendant No.5 Vishram Govind Goankar vide registered Sale Deed dated 12.05.2022 thus the record of rights stands in the

name of defendant No.5. Hence, defendants pray to dismiss the application.

4. Heard both the sides. Perused the materials placed before of this Court.

5. In view of the same the following points arise for my consideration.

1. Whether the plaintiffs have made out a prima facie case?

2. Whether the balance of convenience lies in favour of the plaintiffs?

3. Whether dismissal of the instant application would cause irreparable damage or injury to the plaintiffs?

4. What order?

6. My answer to the above points are as follows.

Point No.1: Partly in the **Affirmative**

Point No.2: Partly in the **Affirmative**

Point No.3: In the **Negative.**

Point No.4: As per the final order for the following.

REASONS

7. Point No.1 to 3: Since these points are interlinked and connected with each other they are taken for common discussion for the sake of brevity.

It is the specific case of the plaintiffs that they are the owners of the land bearing Sy.No.2 measuring to an extent of 19 guntas whereas the defendants are the owners of land comprised in Sy.No.4 which is divided into 7 Hissas situated at Siddar village, Karwar. The plaintiffs' and defendants' lands are the agricultural lands and the plaintiffs and their ancestors have been cultivating the said land since long back. Plaintiffs were using the land of defendants for their ingress and egress since more than 40-50 years. The plaintiffs' land is situated at the southern side of the defendants' land which faces East-West State Highway. Many a time the plaintiffs requested the defendants to leave 3 feet pathway to reach main road from the suit land. Besides the plaintiffs have also made several representations to Gram Panchayat Vailwada as well as

revenue department in that regard. However they are of no use. The defendants who are much aware of the pathway have been unnecessarily creating trouble to these plaintiffs by blocking the said 3 feet pathway which is situated on the northern side of the plaintiffs' land to approach the main road. The plaintiffs have also addressed letter to Tahsildar on 15.11.2021, to the Deputy Commissioner on 05.11.2021 and also to the Panchayat on several occasions. However the defendants replied to the Panchayat Letter stating that they are not ready to leave 3 feet pathway and now the defendants have troubling the plaintiffs by constructing compound wall and blocking the pathway and filling red mud. Hence the plaintiffs have moved this application seeking to restrain the defendants from blocking the pathway till the disposal of the suit.

8. Per contra, the defendants No.1 to 5 resisted the said interlocutory application contending that the plaintiffs have filed this suit seeking the relief of bare injunction without seeking the relief of declaration and without

issuing prior notice to the defendant No.8 as per the provisions of Section 289 of Karnataka Panchayat Raj Act as such the case is not maintainable and is liable to be dismissed with costs. Defendants admit that plaintiffs are the owners of the Sy.No.2. They deny the assertion that plaintiffs' land is abutting to their land. It is stated that plaintiffs' land is far away from their land and both of their lands are agricultural lands. Defendants pleads ignorance as to the assertion that plaintiffs have been cultivating their land from ancestral period. It is stoutly denied that plaintiffs have been using the defendants' land as pathway since for more than 40-50 years. When there is no pathway as alleged then there is no question of using it since for more than 40-50 years. These defendants admit that plaintiffs' land is situated at extreme southern side and it is far away from the defendants' land. It is further stated that in between the lands of the plaintiffs' and defendants many others' lands have been situated and defendants' lands are situated facing East-West towards State Highway. Further these defendants given reply to the Gram Panchayat stating

that there is no pathway from the defendants' land. They deny the assertion that they are troubling the plaintiffs by constructing the compound wall and blocking the pathway. However, they are improving their lands to construct house therein. Defendants contend that there is no complaint by the adjacent land owners of the plaintiffs' land to reach their lands from the western side road ahead of the temple. It is further contended that plaintiffs are unnecessarily disputing with the defendants by claiming imaginary rights since their adjacent land owners bearing Sy.No.1 and 3 have been using alternative pathway as shown in plaint sketch 'DC'. Further the plaintiffs unnecessarily arrayed defendant No.6 who does not have any right in the suit land since he sold his property bearing Sy.No.4 Hissa 5 in favour of defendant No.5 Vishram Govind Goankar vide registered Sale Deed dated 12.05.2022 thus the record of rights stands in the name of defendant No.5. Hence, defendants pray to dismiss the application.

9. Perused the documents submitted by both the parties. In support of their case, the plaintiffs have produced RTCs pertaining to the suit properties, copy of the notice issued by AEE, PWD, Karwar, complaint given by the plaintiffs to Taluk Panchayat, representation to PWD engineer, documents collected through RTI, notices issued by concerned Gram Panchayat to the defendants and reply given by the documents to the notice and much more.

10. On the other hand, defendants have produced NA permission order along with map, permission obtained by the defendant No.3 from the concerned authority to construct house along with building plan and PT Sheets in support of their case.

11. I have gone through the documents submitted by both the parties. Plaintiffs have produced the letter addressed to plaintiff No.2 by Vailwada Gram Panchayat dated 19.03.2022. In the letter it is stated that “ಸದರಿ ಪ್ಲಳ

ಪರೀಶೀಲನೆಯ ವೇಳೆಯಲ್ಲಿ ಆದ ನಿರ್ಣಯದಂತೆ ಸಂಬಂಧಪಟ್ಟ ಜಮೀನಿನ

ಮಾಲೀಕರಿಂದ ಪಡೆದ ಹೇಳಿಕೆ ಪತ್ರದ ಪ್ರತಿಗಳನ್ನು ಈ ಪತ್ರಕ್ಕೆ ಲಗ್ನ ಇಟ್ಟು ಕಳುಹಿಸಿದೆ.”

As stated in the letter, copy of statements of the Land Owners (defendants) have been appended to the letter sent to plaintiff No.2. In their statements, defendants have identically stated that there is no pathway at all from their respective lands to reach the land of the plaintiffs. Besides defendant No.3 and owners by name Sri. Nanda Damodar Goankar, Sri. Deepesh Vinayak Goankar and others stated that on 16.02.2022 at about 10.30 A.M. they were present at the place for spot inspection. However as per the inspection conducted by Gram Panchayat, Vailwada there is no pathway as alleged by the applicant. Further Gram Panchayat, Vailwada has given report to Tahsildar, Karwar stating that in pursuance of the application submitted by Vinod Purushottam Goankar and the letter received from Tahsildar Office, spot inspection was scheduled on 16.02.2022 at about 10.30 A.M. and Vinod Purushottam Goankar and Chandrakant Damodar Goankar were only

present at the spot. Since only two of them were present no decision was made with regard to the pathway to reach the plaintiffs' land and the flow of rain water from the Gatar. However it is stated that Chandrakant Damodar Goankar and Shanta Vishram Gurav have dumped soil on their respective lands where sewer have been installed to the State Highway. Since the land owners abutting to the said culvert have dumped soil there are no chances of rain water flowing smoothly. Further the plaintiffs have produced RTCs pertaining to the lands of the defendants. Upon perusal of the RTCs, pot kharab area is not seen in any of the RTCs. Nevertheless the plaintiffs have produced the letter addressed by Tahsildar, Karwar to C.E.O., Taluk Panchayat, Karwar stating that "ಕಾರವಾರ ತಾಲೂಕಿನ ಕಿನ್ನರ ಹೊಬಳಿಯ ಸಿದ್ದರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂಬರ 4 ಹಿಸ್ಸಾ 3 ಪೈಕಿ ಕ್ಷೇತ್ರ 0-4-0 ಜಮೀನನ್ನು ವಸತಿ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭೂಪರಿವರ್ತಿಸಿಕೊಳ್ಳಲು ಅಫಿಡೆವಿತಿ ನಂ.335007 ರನ್ವಯ ಭೂ ಮಾಲೀಕರಾದ ಶ್ರೀ ಚಂದ್ರಕಾಂತ ದಾಮೋದರ ನಾಯ್ಕ ರವರು ಅರ್ಜಿ

ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಪ್ರಸ್ತುತ ಭೂಪರಿವರ್ತನೆಯ ಕೋರಿಕೆಯನ್ನು ಪರಿಗಣಿಸಿದ್ದಲ್ಲಿ ಲಗ್ನ ಹೊಲಗಳಿಗೆ ತೆರಳಲು ದಾರಿ ಇಲ್ಲದಂತಾಗುವುದು ಮಾತ್ರವಲ್ಲದೇ ಭೂಮಾಲೀಕರು ಕಂಪೌಂಡ್ ಗೋಡೆ ನಿರ್ಮಿಸಿಕೊಂಡಿದ್ದಲ್ಲಿ ಗುಡ್ಡದ ಮೇಲಿನಿಂದ ಬರುವ ನೀರಿಗೆ ಅಡ್ಡಗೋಡೆ ಕಟ್ಟಿದಂತಾಗಿ ಸುತ್ತಮುತ್ತಲಿನ ಪ್ರದೇಶದಲ್ಲಿ ಕೃತಕ ಪ್ರವಾಹ ಉಂಟಾಗುವ ಸಂಭವ ಇರುತ್ತದೆ ಎಂದು ಶ್ರೀ ವಿನೋದ ಪುರುಷೋತ್ತಮ ಗಾಂವಕಾರ ರವರು ಆಕ್ಷೇಪಣೆಯುಕ್ತ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದರು. ಭೂ.ಸ.ನಿ.ಕಾರವಾರ ರವರ ಅಭಿಪ್ರಾಯ ಪಡೆಯಲಾಗಿ ಸುತ್ತಮುತ್ತಲಿನ ಪ್ರದೇಶಗಳಿಗೆ ತೆರಳಲು ಸರ್ವೇ ನಂ.4 ಹಿಸ್ಸಾ 3 ರಿಂದ ಯಾವುದೇ ದಾರಿ ವ್ಯವಸ್ಥೆ ಇರುವುದಿಲ್ಲಾ ಎಂದು ವರದಿಸಿದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅಫಿಡೆವಿತಿ ನಂ.335007 ರಲ್ಲಿ ಶಿಫಾರಸ್ಸಿನ ವರದಿ ಸಲ್ಲಿಸಲಾಗುವುದು. ಇತ್ತೀಚೆಗೆ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಕೈಗೊಂಡಾಗ ಶ್ರೀ ವಿನೋದ ಪುರುಷೋತ್ತಮ ಗಾಂವಕಾರ ರವರು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯು ಕೆಲವು ಮಟ್ಟಿಗೆ ನೈಜವಾಗಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.ಅಲ್ಲದೇ ಲಗ್ನ ಹೊಲಗಳಿಗೆ ತೆರಳಲು ಸೂಕ್ತವಾದ ದಾರಿ ಸೌಲಭ್ಯ ಸಹ ಇರುವುದಿಲ್ಲಾ".

Further the plaintiff No.2 has also filed objections resisting the application filed by defendant No.3 seeking for

conversion of his land to NA land until the problems relating to pathway and flow of water are not tackled and the copies of the same are produced herein. Other documents are the reply given by the concerned owners of the land to the Public Works Department for the notice issued to them seeking to clear the obstruction of culverts.

12. The plaintiffs do not deny the ownership of the defendants with respect to the suit schedule properties. Plaintiffs have also produced RTCs. The plaintiffs have produced en number of documents containing representations made to several authorities and the correspondence between the officials interse. Such being the case they have not placed documents before this Court which shows that there is a pathway from the land of the defendants to reach their land like village map. It seems that plaintiffs are now asserting that they have got the pathway from the land of the defendants. However there are no documents or materials before the Court to show that any transaction by which right in question was created,

modified or recognized or the particular instances in which the right was claimed, recognized or exercised. The documents produced by the plaintiffs does not speak about the existence of pathway as alleged by them. On the other hand, defendant No.3 has produced Order passed with respect to conversion of his land to NA along with map and the permission obtained by him from the concerned authority to construct house in his land. He being the absolute owner of the property bearing Sy.No.4 Hissa 3 is at liberty to construct house as per his wishes. Right to use and enjoy the thing owned and right to manage and use being one of the incidents of ownership, defendant No.3 is entitled to do so. The legitimate rights of the owner should not be restricted without there being licit cause. Further as per the version of the plaintiffs they have got pathway to approach their land from Sy.No.4 Hissa 3 and 4. However the plaintiffs have arrayed the owners of Hissa Nos. 1, 2 and 5 to 7 also which *ex-facie* appears to be misjoinder of parties. As far as other documents are concerned they are representations made by the plaintiff No.2 to various

authorities alleging that concerned defendants have been dumping soil in their lands which obstructs the easy flow of rain water through culvert (sewer), notice issued to the concerned defendants to clear the obstruction caused for flow of water through culvert.

13. The object of the interlocutory injunction is to protect the plaintiff against injury by violation of his right for which he could not be adequately compensated in damages recoverable in the action if the uncertainty were resolved in his favour at the trial. An Injunction is an equitable remedy which is “a judicial process that compels a party to refrain from doing or to do a particular act or thing”. Granting of temporary injunction is not a matter of right, but the petitioner has to satisfy the essential ingredients as required Under Order 39 Rule 1 CPC. Granting of an Injunction is at the discretion of the Court. Nevertheless, this discretion should be used judiciously.

14. Every piece of evidence produced by either party has to be taken into consideration deciding the existence of a prima facie case to justify the issuance of a temporary injunction. In other words, it means that the contentions which the plaintiff is raising, require consideration in merit, and are not liable to be rejected summarily.

15. As stated supra defendant No.3 has produced NA order along with map and the permission accorded to him for the construction of the house in Sy.No.4/3 along with sanctioned plan. On the other hand, plaintiffs have produced official reminder (ಅಧಿಕೃತ ಜ್ಞಾಪನ) issued by Gram Panchayat, Vailwada dated 29.06.2022 directing the defendant No.3 to implement the blue print of the layout by complying all the conditions enumerated in the Order passed by Hon'ble Deputy Commissioner, Karwar, U.K. dated 28.12.2021 i.e, Order for conversion of agricultural land into non-agricultural land and also subject to the conditions mentioned in the said official reminder. One of

those conditions is that "5. ವಿನ್ಯಾಸ ನಕ್ಷೆಯಂತೆ ಸದರಿ ಸರ್ವೆ ನಂಬರುಗಳ ಒಟ್ಟು ಬಿನಶೇತ್ಕಿ ಕ್ಷೇತ್ರದಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಉದ್ದೇಶ ಸಲುವಾಗಿ ರಸ್ತೆಗಾಗಿ ಬಿಟ್ಟು ಕೊಡುವ ವಿಸ್ತೀರ್ಣ - 180.00 ಚದರ ಮೀಟರ ಜಾಗವನ್ನು ಗ್ರಾಮಪಂಚಾಯತದ ತಾಬಾ ವಹಿಸಿ ಕೊಡಬೇಕು". The counsel for plaintiffs brought this official reminder to the notice of this Court and argued that defendant No.3 is ought to comply the said condition. However it is to be noted here that this Official reminder is issued for the particular reason. Said reason is manifestly stated in the reminder as thus;

"ಸಿದ್ಧರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.4 ಹಿಸ್ಸಾ 3 ನೇದರ ಒಟ್ಟು ಕೃಷಿ ಕ್ಷೇತ್ರ 0-4-0 ಜಮೀನನ್ನು ವ್ಯವಸಾಯೇತರ ವಸತಿ ಉದ್ದೇಶಕ್ಕಾಗಿ ಬಿನಶೇತ್ಕಿಯಾಗಿ ಪರಿವರ್ತಿಸಿ, ಮಂಜೂರಿಸಿ ಆದೇಶಿಸಿರುತ್ತಾರೆ. ಉಲ್ಲೇಖ (2) ರ ಪ್ರಕಾರ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನೀಯರರು ಪಂಚಾಯತ ರಾಜ್ ಇಂಜಿನೀಯರಿಂಗ್ ಉಪ ವಿಭಾಗ ಕಾರವಾರ ರವರು ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ತಯಾರಿಸಿದ ವಿನ್ಯಾಸ ನಕ್ಷೆಗೆ ಅನುಮೋದನೆ ನೀಡಿರುತ್ತಾರೆ. ಪ್ರಯುಕ್ತ ಅರ್ಜಿದಾರರು (ಪ್ರತಿವಾದಿ ನಂ.3) ಸಲ್ಲಿಸಿದ

ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಸದರಿ ಜಮೀನಿನ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಕೈಗೊಳ್ಳಲಾಗಿ ಸಲ್ಲಿಸಿದ

ದಾಖಲೆಗಳನ್ನು ಪ್ರಸ್ತಾಪಿತ ಜಮೀನಿಗೆ ಉತ್ತರ ದಿಕ್ಕಿಗೆ ರಸ್ತೆ ಸಂಪರ್ಕ ಹೊಂದಿರುತ್ತದೆ.

ಸಿದ್ಧರ ಗ್ರಾಮಕ್ಕೆ ಪ್ರಸ್ತುತ ಯಾವುದೇ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ ತಯಾರಾಗಿರುವುದಿಲ್ಲ."

This official reminder speaks about Karwar-Ilkal State Highway which is abutted to the land of this defendants as alleged by the plaintiffs. Gram Panchayat is seeking the defendant No.3 to hand over 180 sq.meter of total extent of land for the purpose of road. This is in forethought of expansion of road. However, plaintiffs are claiming pathway from the land of the defendants. Their handsketch is clear. It appears that said condition is not relevant to the case on hand. Further the adjoining land owners of the plaintiffs have not raised any objections regarding pathway to reach their land. Reliefs claimed by the plaintiffs is somewhat ambiguous. From the plain reading of plaint it can be implied that plaintiffs are seeking the direction to the defendants to remove the compound wall/fence obstructing their pathway and further to restrain the defendants from interfering with enjoyment of said pathway.

16. The Hon'ble High Court of Karnataka in ***Bank of Baroda v. Dr. Bavaguthu Raghuram Shetty, & ORS.*** in **COMAP NOS. 27 OF 2020 AND 28 OF 2020** observed thus:

“28. Simultaneously if we consider the provisions contained in Order 39 Rule 1(b), of the Civil Procedure Code we find that while passing an order of injunction, the Court is not required to find out as to whether there is every possibility of passing a decree in favour of the plaintiff in the suit. While considering the application for temporary injunction, the Court is only required to ascertain as to whether a prima facie case has been made out by the plaintiff in the suit. Prima facie case means an arguable case meaning thereby that a reasonable dispute is raised before the Court which the Court is required to resolve ultimately in the suit. A prima facie case is distinguishable from a full-proof case.”

Hence, in light of foregoing discussion and reasons, this Court answers point No.1 and 2 ***Partly in the Affirmative*** and point No.3 in the ***Negative***.

17. Point No.4: In light of answering point No.1 to 3 as aforementioned, this Court proceeds to pass the following.

ORDER

The application filed by the plaintiffs Under Order XXXIX Rule 1 and 2 of C.P.C. is hereby partly allowed.

The plaintiffs to use the pathway from the land of defendant No.4 Smt. Meera Muralidhar Rane to reach their land till the disposal of the suit. There shall be no obstruction to the plaintiffs to use the said pathway so as to reach their agricultural fields. Reliefs claimed by the plaintiffs against other defendants in this interlocutory application stand dismissed.

Accordingly defendant No.4 shall clear obstruction if any.

No order as to costs.

(Typed by me on my laptop, corrected, signed by me and then pronounced the Order in the open Court on this the **12th day of January 2024**)

**Smt. Akshatha C.R.
Addl. Civil Judge & JMFC-II,
Karwar.**