

EXPARTE TI ON I.A. NO.I

I.A.No.I is filed along with affidavit and documents. On perusal of the check slip there is no caveat filed in this case. The suit is for permanent injunction.

IA. No.I is filed U/o. XXXIX Rule 1 & 2 R/w 151 of CPC., for the relief of temporary injunction restraining the defendant from evicting the plaintiff from Gram Panchayat House No.64B of Bhavikeri village of Ankola taluk till the disposal of this suit.

Heard the arguments of Learned Counsel for the Plaintiff. Perused the plaint averments and materials available on record which *prima facie* disclose that there is a serious issue to go for the trial and the plaintiff is having an interest in the suit schedule property. The Court can not hold a mini trial at this stage and if the temporary injunction is not granted, then certainly purpose of the filing of the suit will be defeated. In order to avoid multiplicity of the proceedings and also to secure the interest of the party to the suit, it is just and necessary to grant an injunction as sought for.

This Court is conscious that, granting of injunction after issuing notice to the other side is a rule and granting of injunction without issuing the

notice is an exception, however in the present case on hand I am of the considered opinion that if at all if the exparte temporary injunction is not granted, the purpose of granting injunction will be defeated by delay and it will cause hardship to the plaintiff. Upon perusal of the case papers I am of the opinion that the plaintiff has made out the prima facie case, therefore I proceed to pass the following;

ORDER

The defendant is hereby restrained from evicting the plaintiff from Gram Panchayat House No.64B of Bhavikeri village of Ankola taluk till the present I.A is disposed off on merits or until further orders.

Since exparte injunction is granted, the plaintiff shall comply the following conditions as per Order XXXIX Rule 3 (a) of CPC, they are

- 1) The plaintiff shall send
 - a) The copy of the interlocutory application along with affidavit.
 - b) The copy of the plaint.
 - c) The copies of the documents on which the plaintiffs had relied to get this injunction.
- to the concerned defendant by way of registered post.

2) The plaintiff shall file an affidavit to the office regarding the compliance of the same on this very same day or on the day immediately following this day.

Needless to say, non compliance of any of the aforesaid conditions, the exparte injunction granted will be vacated.

Issue notice on I.A.No.I to defendant and suit summons to the defendant if the PF and necessary copies of the plaints are furnished.

R/by 14/08/2025.

Sd/-
Addl. Civil Judge, Ankola.