

ORDERS ON IA NO.I

The present suit is filed by the plaintiff seeking the relief of Permanent Injunction against the defendants restraining them, their men, agents or anybody claiming any right from interfering/entering into the peaceful possession of the suit property.

2. The plaintiff has also maintained an application u/o 39 rule 1 and 2 of CPC seeking for grant of an ad-interim order of temporary injunction against the defendants restraining them, their men, agents, servants or anybody who claiming under them from interfering/entering into the peaceful possession of the suit property till disposal of the suit.

3. The grievance of the plaintiff is that he is in the possession of the suit property from last 45 years as a tenant under deceased Aminabi and after her death, he became a tenant under deceased Shaikh Usman Shaikh who gifted the suit property orally out of love and affection during his lifetime way back 2004 and since then the plaintiff stopped paying any rent and after the death of deceased Shaikh Usman Shaikh, the plaintiff is enjoying the property without any hindrance/obstruction from any one and the defendants are very well in knowledge of the

ownership of the plaintiff which he is in possession and enjoyment. Being this the case, the defendants without having any manner of right, title or interest over the suit property threatening the plaintiff to dispossess the plaintiff from the suit property and attempting to interfere in the peaceful possession of the plaintiff and his family. Hence, prays to grant ad interim exparte injunction.

4. In support of his case, the plaintiff has produced an application filed by the plaintiff before the Chief Officer, Purasabhe, Ankola to take appropriate action against breaking of his shop at midnight on 17/12/2024, he has also produced the Police acknowledgment, tax paid receipt, tax assessment extract pertaining to the suit property along with other documents to prove his prima facie case which reveals that the plaintiff is in possession of the suit schedule property.

5. Heard and perused the plaint averments and its enclosed documents. On perusal of the plaint averments, I.A.No.1 and documents in support of the averments made in the affidavit annexed to I.A.NO.1, this Court is satisfied with the reasons made out by taking into consideration the pleadings of the plaintiff as well as the supporting documents produced, it

makes out a prima facie ground against defendants to pass ex parte injunction order. Plaintiff has also made out the grounds for urgency to dispense with issuance of notice under Order 39 Rule 3 on I.A.NO.1. Hence, issue of prior notice on I.A.No.1 to the defendants is hereby dispensed as the very object of granting injunction would be defeated by delay. The Court can not hold a mini trial at this stage. Therefore, this Court proceeds to pass the following -

ORDER

Issue ex parte ad-interim injunction against the defendants restraining them, their men, agents or anybody claiming under them from interfering/entering in the peaceful possession of the suit schedule property till the said I.A is disposed off on merits.

Since ex parte 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 plaintiff had relied to get this injunction to the concerned defendants 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 working day immediately following this day.

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

Issue notice on I.A. No.1 and suit summons to the defendants if the PF and necessary copies of the plaints are furnished.

R/by 01/02/2025.

Sd/-
Civil Judge, Ankola.