

ORDERS ON I.A.I AND II U/O.39 R.1 & 2 of CPC

The plaintiff has filed I.A.No.II under Order 39 Rule 1 & 2 of CPC seeking to restrain the defendant No.1/opponent his men, coolies, contractor, meson, agents, servants, representatives or anybody authorized on his behalf from making illegal construction abutting to suit property without obtaining necessary permission and from opening any window on the northern side wall in the interest of justice and equity, till disposal of the suit.

In the annexed affidavit it is stated that the plaintiff has filed the present suit for the relief of permanent/perpetual injunction, on the grounds as detailed in the plaint paras. That, the defendant without obtaining the permission from local authorities is making illegal construction and opening windows on the northern side of the wall. It is further stated that the plaintiff has approached the CMC, Dandeli against the illegal construction of defendant No.1. But no action was taken against him. If the defendant No.1 is allowed to make such illegal construction then the plaintiff will be greater hardship in peaceful use and enjoyment of her property. Therefore, the plaintiff has filed the present suit and the present IA.

Heard.

The plaintiff has furnished sufficient documents to prima-facie show that she is in actual possession and enjoyment of the suit property as on today. Therefore, the plaintiff has made out a prima facie

case, at this stage, to grant ad interim order of injunction restraining the defendant No.1/opponent his agent, servants, or anybody authorized on his behalf from making illegal construction abutting to suit property without obtaining necessary permission and from opening any window on the northern side wall in the interest of justice and equity, till next date of hearing.

Plaintiff to comply Or. 39 R. 3A of CPC.

Office to supply copy of this order only on compliance of Or. 39 R. 3A of CPC and after providing sufficient plaint and IA copies required for issuing notice of IA and suit summons to defendant and sufficient P.F. is paid.

Issue suit summons to defendant, notice of IA No.II and an order of Temporary Injunction of IA No.II against defendant, if PF is paid.

Call on: 30.01.2026.

**Sd/-
Civil Judge & JMFC., Dandeli**