

KAUK510009292025



ORDER

The plaintiff filed this suit for the relief of permanent injunction along with I.A.No.II under Order 39 Rule 1 and 2 of C.P.C., praying to grant ex-parte ad-interim temporary injunction against the defendants restraining them, their members, servants and any representatives representing on their behalf from holding any strike, Dharana, Gathering, shouting against management by using loud speakers, Gate meeting, doing any illegal act, obstructing the movement of vehicles and public in the suit properties and premises within the area measuring 500 meters around the suit properties, pending disposal of the suit in the interest of justice and equity.

In the affidavit the plaintiff stated that, he is the Divisional Controller of NWKRTC, Dharwad Division, Dharwad of the plaintiff Corporation. The suit has been filed for the relief of permanent injunction. The defendants have no right to carry on illegal strike as their activity is illegal, intermittent and continuous one. However, defendants are threatening to hold strike w.e.f 05.08.2025 and thereafter also. The plaintiff corporation is serving the public by carrying passengers. Due to the illegal act on the part of the defendants as stated above, the plaintiff corporation apprehends that it will cause

great inconvenience and hardship to the public at large and also to the plaintiff corporation.

It is further stated in the affidavit that, the defendants have threatened to hold strike and prevent the loyal employees from performing their duties, forcefully. The act of the defendants will cause great hardship and entire operation of bus schedules will be paralyzed and much inconvenience will be caused to the public. The defendants gave no right to enter the suit premises and cause any obstruction or nuisance whatsoever. The defendants have no right to erect any shamiyana or to keep loud speakers in the suit premises. The plaintiff corporation has requested the defendants not to do these types of illegal acts. Thus the defendants are not ready to heed the request made by the plaintiff corporation. The plaintiff corporation has prima facie case. Balance of convenience is also in favour of the plaintiff corporation. If injunction is not granted as prayed for, the plaintiff will be put to irreparable loss and injury.

It is further stated in the affidavit that, the Government of Karnataka in exercise of its power provided under the Industrial Disputes Act, 1947 has declared that, transportation of passengers as an public utility service. The service provided by the corporation comes within the purview of essential service. Further, the Government of Karnataka has declared the North West Karnataka Road Transport Corporation is an essential service under Section 3 of the Karnataka Essential Service Maintenance Act,

1994 wherein, it has been prohibited. Therefore, he filed this suit along with this application.

In support of his contentions, the plaintiff produced RTC Extract of land bearing Survey No.1*/A of Haliyal Town, Haliyal Hobli, Tq: Haliyal for the year 2025-26, RTC Extract of land bearing Survey No.1*/B of Haliyal Town, Haliyal Hobli, Tq: Haliyal for the year 2025-26, RTC Extract of land bearing Survey No.26*/* of Gudnapur Village, Murkwad Hobli, Tq: Haliyal for the year 2025-26, Letter dated 28.07.2025, copy of Notification dated 14.07.2025, List of local office bearers, Paper hand bills, copy of Letter dated 30.07.2025.

On perusal of documents produced by the plaintiff at this stage, the plaintiff has made out prima-facie case against the defendants, in order to avoid multiplicity of proceedings and also to protect the interest of public, it is proper to restrain the defendants their members, servants and any representatives representing on their behalf from holding any strike, Dharana, Gathering, shouting against management by using loud speakers, Gate meeting, doing any illegal act, obstructing the movement of vehicles and public in the suit properties and premises within the area measuring 500 meters around the suit properties. Therefore, at this stage, the plaintiff has made out prima-facie grounds to dispense the issuance of notice to the defendants on I.A. No.II. Hence, I proceed to pass the following;

ORDER

The defendants restraining them, their members, servants and any representatives representing on their behalf from holding any strike, Dharana, Gathering, shouting against management by using loud speakers, Gate meeting, doing any illegal act, obstructing the movement of vehicles and public in the suit properties and premises within the area measuring 500 meters around the suit properties till next date of hearing.

The plaintiff shall comply the order 39 Rule 3(a) of CPC.

Issue suit summons and notice on I.A. No.II along with order to defendants after compliance by the plaintiff.

Call on 04.09.2025.

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

OS NO.72/2025