

Case called out.

ORDER ON IA.No - III

The plaintiff has filed this suit against the defendant for the relief of permanent Injunction with respect of suit schedule property.

Further the plaintiff has filed IA No. III U/o XXXIX Rule 1 and 2 of CPC, praying this court to pass an order of exparte temporary injunction restraining the defendant from constructing any cow shed in the suit schedule property till disposal of the suit.

Along with the suit, the plaintiff has also produced some documents before the court. Perused the plaint averments and other documents available on record. It is the case of the plaintiff is that, the plaintiff is the absolute owner and in possession of the suit schedule property.

The name of the plaintiff appears in present RTC's of suit schedule property.

It is well-settled principle of law that, the subject matter of the suit has to be protected and maintained intact during the pendency of the suit.

In view of the materials available in the records, this court noticed that the plaintiff has made out a prima facie case to grant an ad-interim ex-parte order of temporary injunction against the defendant by dispensing with the notice to defendant.

Therefore, if an order of ad-interim Exparte Temporary Injunction is declined, the very purpose of filing the present suit would be frustrated and purpose of filing I.A.No. III would be defeated. Hence, I proceed to pass the following:

ORDER

The Temporary Injunction is prayed under I.A.No. III is hereby partly granted till next date of hearing.

The defendant is hereby restrained from constructing any cow shed in the suit schedule property till next date of hearing.

It is hereby directed the plaintiff to comply the mandatory provisions of order 39 rule 3(a) C.P.C.

Issue suit summons and also notice on I.A.No. III to the defendant if plaintiff complied the mandatory provisions of order 39 rule 3(a) C.P.C and if necessary PF paid.

OS No.16/2025

Office is hereby directed to issue certified copy of this order after compliance.

Returnable by 20-02-2025.

SD/-

**Addl. Civil Judge & JMFC.,
Honnavar.**