

The Plaintiff-applicant has filed this I.A. No. 2 under Order 39 Rule 1 to 3 of CPC seeking an ex parte injunction against Defendant not to construct compound wall in Eastern boundary in suit schedule property.

In the accompanying affidavit to I.A. No.2 it is stated that he has purchased the suit schedule property for consideration of Rs. 15,45,000/- through Sale deed dated: 15.03.2013 and from that date till now he is in possession and enjoyment over the suit schedule property. Further Defendant no. 1 to 5 are members of same family and they do not have any title, right or interest over the suit schedule property and they do not have any relation with prior owner of suit schedule property. The Defendant in order to cause damage to plaintiff are trying to construct compound wall in the suit item no.1 Eastern boundary in Sy. No. 547/1:B by removing the old wall. Hence he has filed this application. The applicant in support of his claim has filed 17 documents including RTC of Sy. no. 547/1:B and Mutation Entries of the above Sy. no., Xerox copy of Sale deed and 6 photographs of suit schedule property.

Perused I.A.s, Plaint and documents produced. I am of the opinion that Plaintiff has prima-facia case, balance of convenience and irreparable damage will be cause if injunction is refused.

Hence, I pass the following order;

ORDER

The Defendant is hereby restrained from constructing compound wall in Eastern boundary of Sy. no. 547/1:B till further order.

Issue T.I. warrant. Issue Suit Summons and Emergent Notice to Defendants.

Addl. J.M.F.C., Honavar.