

OS No. 156/2023.

ORDER ON I.A.No - II

The plaintiffs have filed this suit against the defendant for the relief of Permanent Injunction with respect of suit schedule property.

Further the plaintiffs have filed IA No. 2. U/o XXXIX Rule 1 and 2 of CPC, praying this court to pass an order of Exparte Temporary Injunction restraining the defendant, her husband, and family members, agents, servants, henchmen, and representatives from interfering with the plaintiffs peaceful possession and enjoyment of the suit schedule property till disposal of the suit.

Along with the suit, the plaintiffs have also produced documents.

Perused the plaint averments and other documents available on record. This suit is filed by the plaintiffs against the defendant for the relief of Permanent Injunction.

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 plaintiffs have 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 on I.A.No.II.

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.II would be defeated. Hence, I proceed to pass the following:

ORDER

The Temporary Injunction is prayed under I.A.No.2 is hereby granted till filing of written statement of defenadnt.

The defendant or any body on behalf of her hereby restrained from interfering with the plaintiffs peaceful possession and enjoyment of the suit schedule property till filing of written statement of defendant.

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

OS No. 156/2023.

Issue suit summons and also notice on I.A.No.2 to the defendant if plaintiffs complied the mandatory provisions of order 39 rule 3(a) C.P.C and if necessary PF paid.

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

Returnable by **02-01-2024**.

SD/-

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