

ORDER ON I.A. NO.III

The plaintiff filed this suit for the relief of temporary injunction. The plaintiff has filed I.A. No. III under Order 39 Rules 1 and 2 read with Section 151 of the C.P.C., seeking an order of ex parte ad-interim temporary injunction against the defendant, to restrain the defendant from obstructing the plaintiff from residing in the house and from tying the cattle in the cowshed located in the suit schedule property.

Perused the plaint, I.A. No. III filed under Order 39 Rules 1 and 2 read with Section 151 of the C.P.C., the connected affidavit sworn by the plaintiff, and the documents placed on record.

Heard the counsel for the plaintiff on I.A. No. III. It can be seen from the RTC bearing Sy. No. 61/6 that the plaintiff's name is entered, and in the sale deed dated 26.02.2016, it is clear that the plaintiff purchased the property. It is also seen from the acknowledgment of Manki Police Station that Jayshree, said to be the daughter-in-law of the plaintiff, has given a complaint to the Manki Police. On going through all these documents, this Court is of the opinion that the plaintiff is in peaceful possession of the suit schedule property.

However, there are no documents on record to show that there is a cowshed and house located in the suit schedule property. Considering the

nature of the suit and the documents filed along with the plaint, this Court is of the opinion that ordering notice to the opponent would delay the proceedings and result in multiplicity of proceedings. Hence, preserving the said property in the same status is necessary; otherwise, the case of the plaintiff would be frustrated, and if notice is ordered, the very purpose of the I.A. will be defeated, and the plaintiff will be put to great hardship.

Hence, this Court partly allows I.A. No. III and proceeds to pass the following:

ORDER

Issue order of ex parte temporary injunction, restraining the defendant his men, agents, servants or anybody claiming under him are restrained from interfering with the peaceful possession of the plaintiff till the next date of hearing.

The plaintiff shall comply with Order 39 Rule 3(a) of the C.P.C. If compliance is reported, issue emergent notice on I.A. No. II and suit summons to the defendant.

Call on 24.10.2025.

SD/-

**Addl. Civil Judge & J.M.F.C.
Honnavar.**