

ORDERS ON I.A. NO.II

The Plaintiff has filed this suit against the defendant seeking the relief of permanent injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property. The plaintiff has filed IA No. II, U/O XXXIX Rule 1 and 2 of CPC seeking to grant an Ad-interim order of Ex-parte Temporary Injunction against defendant restraining the defendant from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

The application is supported with the affidavit of the plaintiff and in support of the application, the plaintiff has produced certain documents i.e., RTC, Mutation Register, Sketch issued by ADLR with respect to suit schedule property, absolute Sale deed dated: 26-02-2021 and three other sketches issued by ADLR with respect to survey No 71/2, 80/2 and 82/2e, 69/2 and Aadhar card of the plaintiff.

It is the case of the plaintiff that, he is the absolute owner of the suit schedule property having purchased the same under registered sale deed dated: 26-2-2021,

which is registered under document No. BKI-721/20-2021 and that he is in peaceful possession and enjoyment of the same. Further that, the defendant having no manner of right title or interest over the suit schedule property is trying to interfere with the possession of the plaintiff over the suit schedule property. Hence, the plaintiff has filed the present application seeking to grant an Ex-parte temporary injunction to restrain the defendant from interfering with the peaceful possession of the plaintiff over the suit schedule property.

Heard, the counsel's arguments on IA No. II and Perused the plaint averments as well as sworn affidavit of the plaintiff filed in support of I.A.No.II and also the documents produced by the plaintiff.

The suit is for perpetual prohibitory injunction. The documents produced by the plaintiff prima-facie shows that, the plaintiff is in possession of the suit schedule property. In the event, if the defendant is not restrained from interfering with the peaceful possession of the suit schedule property the very purpose of suit would be defeated. The main object of granting T.I is to preserve the subject matter intact till the conclusion of the trial. Hence, I am of the

opinion that at this stage plaintiff appears to have made out a prima-facie case to grant an Ex-parte Temporary Injunction. Therefore, I proceed to pass the following:

ORDER

Issue ad-interim Ex-parte order of Temporary Injunction against the defendant restraining the defendant, his henchmen and his agents from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property, till filing of the written statement and objection to I.A. No II.

b. The plaintiff shall comply with the mandate as provided U/o.XXXIX rule 3(a) of CPC.

c. Issue certified copy of the order of T.I. after the compliance of the provisions U/o.XXXIX rule 3 (a) CPC by plaintiff.

It is made clear that, in case the plaintiff does not comply with the provisions of Order XXXIX Rule 3(a) of CPC, this order shall stand vacated automatically.

Issue summons to defendant and E/Notice on I.A.No.II to defendant if sufficient PF is paid.

Call on: 03-04-2024.

Civil Judge & JMFC., Siddapur.