

ORDERS ON I.A. NO.II

Plaintiffs have filed IA No. II, U/O 39 Rule 1 and 2 of Code of Civil Procedure, 1908 and sought for grant

ad-interim Ex-parte Temporary Injunction against the defendants and their henchmen, restraining them from interfering with the peaceful possession and enjoyment of the Plaintiffs over the suit schedule properties by putting up any construction over the suit schedule property by encroaching the same.

The application is supported with the affidavit of the plaintiffs duly sworn and the plaintiffs have stated that, they are the absolute owner of the suit schedule properties. But the defendants having no manner of right, title or interest over the schedule property are trying to dispossess the plaintiffs from the suit schedule property and are trying to put up construction by encroaching the suit schedule properties.

Heard, the counsel's arguments on IA No. II and perused the plaint and I.A. No. II and annexed affidavit reasons and also documents of the suit schedule properties which are available on record.

The suit is for perpetual prohibitory injunction. In the event, if the defendants are not restrained from dispossessing the plaintiffs by encroaching the schedule properties by putting up construction, the very purpose of the suit would be defeated. If the TI is not granted it will be difficult for the plaintiffs to restrain the defendants. The main object of granting TI is to preserve the subject matter intact till the conclusion of the trial. Hence, I am of the opinion that, at this stage, the plaintiffs appears to have made out prima-facie grounds/ case for grant of Ex-parte ad-interim order of

temporary injunction. Therefore, this court proceeds to pass the following:

ORDER

_Issue ad-interim Ex-parte order of Temporary Injunction against the defendants restraining the defendants, their henchmen and their agents from:

a. interfering with the peaceful possession and enjoyment of the Plaintiffs over the suit schedule properties by putting up any construction over the suit schedule properties by encroaching the same ;

Till filing of the written statement and objection to I.A. No II.

b. The plaintiffs 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 plaintiffs does not comply with the provisions of Order XXXIX Rule 3(a) of CPC, this order shall stand vacated automatically.

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

Call on: 18/03/2025

Civil Judge and JMFC, Siddapur