



### **ORDERS ON I.A. NO.I**

Plaintiff has filed IA No. I, 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 defendant and his henchmen, restraining him from altering or destroying the building existing over the suit schedule property or from constructing a new building over the suit schedule property.

The application is supported with the affidavit of the plaintiff duly sworn and the plaintiff has stated that, she is the absolute owner of the suit schedule property. But the defendant who was putting to permissive possession by the plaintiff, is now trying to put the illegal construction over the suit schedule property by altering or demolishing the existent building. Hence this application.

Heard, the counsel's arguments on IA No. I and perused the plaint and I.A. No. I 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 defendant is not restrained from altering or destroying they existence building or constructing a new building over the suit schedule property, the very purpose of the suit would be defeated. If the TI is not granted it will be difficult for the plaintiff to restrain the defendant. 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 plaintiff 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 defendant restraining the defendant, his henchmen and their agents from:

**a.** from altering or destroying the building existing over the suit schedule property or from constructing a new building over the suit schedule property;

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

**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 I. to defendant if sufficient PF is paid.

Call on: 18/03/2025

**Civil Judge and JMFC, Siddapur**