

**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 of an ad-interim Ex-parte Temporary Injunction against the

defendants, restraining them from digging, altering or destroying the pipeline installed under the road for the flow of drainage water and from interfering with the use and enjoyment of the plaintiff of the suit B schedule road and also to restrain them from changing the nature of the B schedule road.

Heard, the counsel's arguments on IA No. I and perused the plaint and I.A. No. I and reasons stated in the annexed affidavit.

The application is supported with the affidavit of the plaintiff duly sworn and in support of the suit the plaintiff has also produced certain documents.

It is averred in the affidavit that the plaintiff is the absolute owner of the suit B schedule road property and is in peaceful possession and enjoyment of the same. The plaintiff has installed pipeline under the suit B schedule road, for the purpose of flow of drainage water. Such being the case, the defendants are digging the said road and transferring the mud from the said place to another portion of the road and while doing so there are trying to damage the pipeline. Hence this application.

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

The suit is for perpetual prohibitory injunction. The documents produced by the plaintiff prima facie establishes that, the plaintiff is in possession of the suit A schedule property and he has been using suit B

schedule road. In the event, if the defendants are not restrained, the very purpose of suit would be defeated. If the T.I. is not granted, it will be difficult for the plaintiff to restrain the defendants. 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 has 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 defendants as prayed in I.A.No.I.

a. The defendants, their henchmen and their agents are hereby temporarily restrained from digging, altering or destroying the pipeline installed under the road for the flow of drainage water and from interfering with the use and enjoyment of the plaintiff of the suit B schedule road and also from changing the nature of the suit B schedule road 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 defendants and E/Notice on I.A.No.I to defendants if sufficient PF is paid.

Call on: 29-04-2025.

Civil Judge & JMFC., Siddapur.