

ORDERS ON I.A. NO.I

The Plaintiff has filed this application Under order XXXIX rule 1 and 2 of CPC, against the defendants seeking to restrain the defendants, or any person claiming under them from interfering

with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

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 the case of the plaintiff that, the suit schedule property is a betta land and the property bearing Sy. No. 9/1 belonging to the plaintiff is given privilege to use the suit betta land. Such being the case, there was an agreement dated: 09-05-2015 made with respect to suit betta land and also other betta land between the plaintiff, the defendants and other privilege holders. Such being the case, the suit schedule property as per the agreement was left to the enjoyment of the plaintiff. When things stands thus, the defendants are trying to interfere with possession and enjoyment of the plaintiff over the same.

Hence, the plaintiff has filed the present application seeking to grant an Ex-parte temporary injunction to restrain the defendants from interfering with the peaceful possession of the plaintiff over the suit schedule property.

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 shows that, the plaintiff is in the possession and enjoyment of the same. In the event, if the defendants are not restrained from interfering with the peaceful possession of the suit schedule property, the very purpose of suit would be defeated. Further, 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 plaintiffs 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 defendants, restraining the defendants, their henchmen and their 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 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 plaintiffs.

It is made clear that, in case the plaintiffs do 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: 09-06-2025

Civil Judge and JMFC

Siddapur