

ORDERS ON I.A. NO.II

Plaintiff has 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, restraining them from interfering with peaceful possession and enjoyment of the plaintiff in any manner over the suit schedule property by constructing any new road over the same.

Heard, the counsel's arguments on IA No. II and perused the plaint and I.A. No. II 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 schedule property and is in peaceful possession and enjoyment of the same . Having purchased the suit schedule property under Registered sale deed dated 28-6-2024. Accordingly all the revenue records are mutated in his name. Such being the case, the defendants being a strangers to the suit schedule property having no manner of right title or interest are trying to interfere with the peaceful possession an enjoyment of the plaintiff over the suit schedule property by constructing new road over the same.

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 establishes that, the plaintiff is in possession of the suit schedule property. 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. 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.II.

a. The defendants, their henchmen and their agents are hereby temporarily restrained from interfering with the plaintiff's peaceful possession over the suit schedule property, by

constructing new road over the same 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 defendants and E/Notice on I.A.No.II to defendants if sufficient PF is paid.

Call on: 21-08-2024.

Civil Judge & JMFC., Siddapur.