

### **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, restraining him from interfering with the peaceful possession and enjoyment of the plaintiff and his family over the suit schedule property and to restrain to defendant from encroaching the western portion of the suit schedule property and to restrain the defendant from interfering with the plaintiff using the open well situated 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 averred in the affidavit that the plaintiff is the absolute owner and in possession of the suit schedule property. Such being the case the defendant is interfering with the possesses and is trying to

encroach the western portion of the suit schedule property. Hence his 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 permanent injunction. The plaintiff has established a prima facie case showing that, he is in possession and enjoyment of the suit schedule property. Hence, it becomes necessary to restrain the defendant, to safeguard the subject matter of the suit. In the event, if the defendant is 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 defendant. 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 defendant as prayed in I.A.No.I.

- a.** The defendant, is hereby restrained from interfering with the peaceful possession and enjoyment of the plaintiff and his family over the suit schedule property;
- b.** The defendant is restrained from encroaching the western portion of the suit schedule property
- c.** The defendant is restrained from interfering with the plaintiff using the open well situated 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 defendants and E/Notice on I.A.No.I to defendant if sufficient PF is paid.

Call on: 18-12-2024.

**Civil Judge & JMFC.,  
Siddapur.**