

ORDERS ON I.A. NO.I

Plaintiffs have 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 defendants, restraining them from interfering with the peaceful possession and enjoyment of the plaintiffs over the suit schedule properties and to restrain to defendants from forming new road over the same.

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 plaintiffs duly sworn and in support of the suit the plaintiffs have also produced certain documents.

It is averred in the affidavit that the plaintiffs are in exclusive possession of the suit schedule properties which were originally granted to their ancestors on 22-08-1942 by the Assistant Commissioner, Sirsi. Such being the case the defendants are interfering with the possession and are trying to form a new road over the suit schedule properties. 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 plaintiffs.

The suit is for permanent injunction. The plaintiffs have established a prima facie case showing that, they are in possession and enjoyment of the suit schedule properties. Hence, it becomes necessary to restrain the defendants, to safeguard the subject matter of the suit. 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 plaintiffs 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 defendant as prayed in I.A.No.I.

- a.** The defendants, are hereby restrained from interfering with the peaceful possession and enjoyment of the plaintiffs over the suit schedule properties;
- b.** The defendants are restrained from forming a new road over the suit schedule properties.
- c.** The plaintiff shall comply with the mandate as provided U/o.XXXIX rule 3(a) of CPC.
- d.** 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 plaintiffs 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.

Sd/-

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