

Order on I.A.No.II & III

Heard on IA.II filed by the plaintiffs against the 1st defendant Under Or. 39 rules 1 and 2 and section 151 of C.P.C.

Perused the IA, plaint averments and the documents placed on record with the grounds urged in the supporting affidavit. On perusal of the same, this court feels that it is necessary to hear other side

before passing of ad-interim injunction order against the 1st defendant.

Heard on IA.III filed by the plaintiffs against the defendants No. 2 and 3 Under Or. 39 rules 1 and 2 and section 151 of C.P.C.

Perused the IA, plaint averments and the documents placed on record with the grounds urged in the supporting affidavit. On perusal of the same, this court feels that it is necessary to hear other side before passing of ad-interim injunction order against defendants No. 2 and 3.

Hence, issue emergent notice of IA II to the 1st defendant, emergent notice of I.A.No.III to defendants No. 2 and 3 and suit summons to defendnats No. 1 to 3, returnable by:

II Addl. Civil Judge & JMFC, Karkala.I/c.

Hence, issue emergent notice of IA II to the 1st defendant,
returnable by:

Judge & JMFC, II Addl. Civil
Karkala.I/c.

Perused the documents filed along with the I.As., complaints filed by the plaintiff against the defendants and the photographs produced.

I.A.No.II was filed seeking mandatory injunction against defendant No.1 to remove the stone wall on the eastern side of plaint 'A' schedule property and to remove the parapet wall constructed by defendant No.2 in the southern side of plaint 'A' schedule property. Without giving opportunity to the defendants, the order of mandatory injunction cannot be granted exparte by this court as prayed in I.A.No.II.

I.A.No.III is for appointment of exparte court commissioner to visit the suit property and also to appoint Taluk Surveyor to assist the court commissioner to measure and identify the plaint 'A' schedule property. At this stage no such exparte order can be granted before the appearance of defendants. Since the plaint 'A' schedule property is purchased in an auction by the plaintiff, hearing the defendants is very much essential.

Hence issue emergent notice to defendants No.1 and 2 along with copy of I.A.No.II and III returnable by: 23-11-2015.

Prl.Civil Judge & JMFC, Karkala.

