

Heard the leaned counsel for plaintiff. Perused the plaint averments, the contents of IA.No.II and the grounds urged in the supporting affidavit thereof in the light of documents placed on record.

The material placed on record reveals the existence of prima-facie case in favour of plaintiff. As such, if the

opponent/defendant continues the acts as alleged in the affidavit filed in support of I.A.No.II, the purpose of filing this application will be defeated by delay and plaintiff will be put to irreparable loss and hardship. At this stage, in order to protect and preserve the suit schedule property, I feel it just and necessary to grant exparte T.I. against the opponent/defendant by dispensing with notice of I.A.No.II to the opponent as provided U/o. 39 Rule 3 of CPC. Accordingly, I proceed to pass the following.

ORDER

The opponent/defendant, her men, servants and all persons claiming through or under her are restrained from digging the mud by encroaching the portion of the property reserved for road or from putting up any foundation or construction in the plaint mentioned road i.e. in Sy.No. 319/2P2 of Sanoor village or from interfering with the peaceful possession, enjoyment of the plaint 'A' schedule property by the plaintiff till next date of hearing.

The plaintiff shall comply the provisions of Order 39 Rule 3(a) of CPC.

Issue certified copy order of TI after the compliance of under Order 39 rule 3(a) of CPC by plaintiff.

Issue summons and emergent notice on IA No.II to the defendant.

returnable by: 09.08.2023

II Addl. Civil Judge &JMFC.,

Karkala