

ORDER ON
EX-PARTE AD-INTERIM INJUNCTION

The plaintiffs have filed the present suit against the defendants for the relief of Mandatory Injunction directing defendants to remove the encroachment made on the plaintiff B schedule property and consequential Permanent Prohibitory Injunction.

2. The plaintiffs have filed I.A. No.II seeking to issue an ex-parte ad-interim order of temporary injunction restraining the defendant No.1 and all persons claiming under him in any capacity from constructing any structures or building by encroaching the plaint "B" schedule road till the disposal of the suit.

3. Heard, perused the plaint averments, affidavit filed in support of I.A.No.II and the documents such as copy of the composite final decree dated 28-01-2004, certified copy of the registered sale deed dated 17-01-2007, RTC extracts', Copy of the Mutation extract, copy of order passed in Appeal No. 01/2012-13 dated 18-12-2012, copy of

the Memorandum of Appeal filed in Appeal No. 01/2012-13 and copy of the notice issued by the P.D.O. of Nitte Gram Panchayath dated 04-09-2018. I am of the opinion that, the plaintiffs have got triable case at this stage. If injunction is not granted before issuing notice, the defendant No.1 may construct any structures or building on the plaint 'B' schedule road. In such circumstances, the plaintiffs will be put to irreparable loss and hardship. The object of granting injunction will be defeated by delay and it leads to multiplicity of proceedings. Hence, notice is dispensed for the time being and I proceed to pass the following:

ORDER

Consequently, ex-parte temporary injunction is granted and parties are hereby directed to maintain status-quo in respect of plaint 'B' schedule property, till next date of hearing.

Issue suit summons and notice on I.A No.II to the defendant No.1.

Issue ex parte temporary injunction order
to the defendants after complying the provision
of Order 39 Rule-3 of C.P.C.

Returnable by:

II Addl. Civil Judge & J.M.F.C.,
Karkala