

For Exparte order on I.A.No.II

Call on 16-09-2020

**Prl. Civil Judge & JMFC,
Kundapura**

Sri. GPS advocate filed memo alongwith photos and documents and prayed to grant exparte temporary injunction against defendants restraining them from trespassing or peaceful possession and enjoyment of 8 feet width pathway marked as 'B' schedule which is situated on northern side of the survey No.167/7 of Ulthur Village running from Kedor-Thekkatte public towards suit 'A' schedule property.

This Court already issued emergent notice to the defendants alongwith suit summons. Now, the plaintiff submitted that the defendants are obstructing from enjoyment of suit 'B' road. In support of their claim produced photos. Further, consent dated 11-09-2020 held between plaintiff and Shambavi Shetty and others. Wherein it discloses that the compound wall appears in the photos belongs to them and they kept place for a road after the compound wall.

Looking into the apprehension of the plaintiff, waiting for hearing from other side will cause damage to suit 'B' road. The plaintiff is using the said road to ingress and egress to reach the main road from suit

property. If the defendants succeed in their act as complained in the application then the purpose of filing of the suit will not survive. It creates room for multiplicity of proceedings. Therefore, it is necessary to restrain the defendants from obstructing him till next date. Hence, I Proceed to pass the following:

ORDER

The defendants, their men, agents and all other persons claiming through them are hereby restrained by an exparte order of temporary injunction from trespassing, encroaching, damaging or interfering with the peaceful possession and enjoyment of the 8 feet width pathway marked as suit 'B' schedule P1-P2 road situated on northern side of the survey number 167/7 of Ulthuru Village of Kundapura Taluk running from Keduru Thekkatte public road towards suit 'A' schedule properties in any manner by the plaintiffs till next date of hearing subject to compliance of the provision of Order XXXIX Rule 3 of C.P.C.

Issue emergent notice of temporary injunction on I.A. No.II to defendants along with suit summons to defendants, if process fee paid.

Returnable by 30-09-2020

**Prl. Civil Judge & JMFC
Kundapura. C/c**

