



O.S.No.40/2022 dt:15-03-2022.

1. Heard learned counsel for the plaintiff on IA No.I.

2. Perused the plaint averments, I.A. No.I and its supporting affidavit and suit documents.

3. The plaintiff has filed the suit for Declaration and Permanent Injunction against the defendants in respect of suit schedule property bearing Sy.No.56 measuring 03 Acres 27 Guntas situated at Chiraladinni village of Kolhar Taluk, Dist: Vijayapura.

4. On perusal of the office note there is no caveat is pending pertaining to this suit.

5. The plaintiff in his annexed affidavit in support of I.A.No.I has contended that, the plaintiff has filed suit for declaration and consequential relief of permanent injunction and alternatively for possession as stated in the plaint. The averments of the plaint be treated as part and parcel of this affidavit. It is further contended that, the suit land is belonging to him as his uncle has given the suit land in favour of him in the year 1989 under a partition. As per the said partition his name came to be entered in R Of R of the suit land as per M.E.No.626, since then he is in

peaceful possession and enjoyment of the suit land. Thereafter his brother by name Hanamant S/o.Irappa Diddibagil colluding with the revenue officials has created M.E.No.745 stating that he has sold the suit land in favour of him by receiving Rs.35,000/- under unregistered sale deed. It is further contended that, he has not executed the said alleged sale deed and M.E.No.745 which is certified behind his back without notice to him. The signatures appearing in documents which submitted for certify copy of M.E. No.745 is not belonging to him. It is further contended that, his brother got entering his name in R Of R in suit land has created sale deed in favour of defendant No.1 and thereafter defendant No.1 has executed sale deed of the suit land in favour defendant No.2. Now the name of defendant No.2 is appearing in the R Of R of the suit land. It is further contended that, now defendant No.2 with an intention to dupe the suit land trying to create III party interest over the suit land and also trying to alienate the same to the others. It is further contended that, defendant No.2 is having no right, title and interest so as to alienate the suit land in favour of the others. The title vests with him. If T.I. order is granted no loss and injustice would be caused to the defendants. On the other hand if T.I is not granted then plaintiff will be put into inconvenience and also irreparable loss which cannot be compensated in terms of money. Hence, plaintiff prays to allow the application.

6. At this stage, I have no grounds to disbelieve the case of the plaintiff. If the T.I. order is not granted, the very purpose of filing of the suit will becomes unfructuous.

7. Hence, the defendant No.2 has to be restrained from transferring the suit schedule property bearing Sy.No.56 measuring 03 Acres 27 Guntas situated at Chiraladinni village of Kolhar Taluk, Dist: Vijayapura. The notice is hereby dispensed with. Hence, I proceed to pass the following:

~:: ORDER ::~

Issue an ad-interim exparte temporary injunction against the defendant No.2 in respect of suit schedule property bearing Sy.No.56 measuring 03 Acres 27 Guntas situated at Chiraladinni village of Kolhar Taluk, Dist: Vijayapura as sought for in I.A.No.I till appearance of defendants.

Plaintiff is directed to comply the provisions of CPC U/o. 39 Rule 3 of CPC.

Office is directed not to issue certified copy of the order unless compliance is made as required under law.

Issue TI order, notice on I.A.No.I to defendant No.2 and suit summons to all the defendants if PF paid.

Returnable By: 12-04-2022.

**C/c. Addl. Sr. Civil Judge & JMFC,
Basavana Bagewadi.**