

### **ORDER ON I.A.No.XII**

The plaintiffs have filed this application U/o.39 Rule 1 and 2 R/w.s.151 of CPC seeking ad-interim temporary injunction against defendant No.3 restraining him from allotment and handover the possession of land in Sy.No.286/1 in favour of Gram Panchayat Masabinal for construction of Panchayat building till disposal of the suit in the interest of justice and equity.

Heard Sri B.V.Patil counsel for the plaintiffs.

Perused the plaint averments, I.A.No.XII filed by the plaintiffs along with documents.

The plaintiffs have filed this suit on representative character against the defendants seeking decree of declaration to declare that, land measuring 04 acres 05 guntas in the eastern side in Sy.No.286/1 totally measuring 08 acres 05 guntas of Masabinal village is grave yard of Muslim community and mandatory injunction directing the defendant No.3 to make necessary entries in the record of rights of Sy.No.286/1 (Old Sy.No.174) to the extent of 04 acres 05 guntas in eastern side as Muslim grave yard.

It is the specific case of the plaintiffs that, the suit land was granted as grave yard to their community now, defendant No.3 allotting the

said land in favour of Masabinal Gram Panchayat for construction of its Panchayat Office thereby violating government order.

On perusal of documents, it is well forth coming that, the subject matter of the suit is none other than Sy.No. 286/1, at this stage, defendant No.3 has granted land in favour of Panchayat definitely. The very purpose of the suit become infructuous. Therefore, it is just and proper to restrain the defendant No.3 from allotment and handing over the possession of Sy.No.286/1 in favour of Masabinal Gram Panchayat as prayed in I.A.No.XII till filing objection to IA No.XII.

The plaintiffs are hereby directed to comply the provision of Order 39 Rule 3(a) (b) of Code of Civil Procedure.

Issue T.I. notice on I.A.No.XII to defendant No.3.

Call on 17/09/2019.

**Addl. Civil Judge,  
Basavana Bagewadi.**