

IN THE COURT OF THE MUNSIFF, KARUNAGAPPALLY.  
Present:- Sri.Praveen Kumar.G, BA.L, LL.B, Munsiff.  
Tuesday, the 22<sup>nd</sup> day of December, 2020/the 01<sup>st</sup> day of Pousha, 1942.

**I.A.01/20 on OS.412/2020**

Between

Petitioner/Plaintiff:- Samuval, aged 62 years, S/o.Joseph,  
J.S.Bhavan, Arinalloor muri,  
Arinalloor south.PO, Thevalakkara village,  
Karunagappally taluk

By Adv.Sri.Salim.M.A and Adv.Sri.Anoop.A

And

Counter petitioners/  
1<sup>st</sup> and 2<sup>nd</sup> Defendants:- 1. Johnkutty, aged 65 years, S/o.Daniel,  
Sanu Villa, Arinalloor Muri,  
Arinalloor South P.O, Thevalakkara Village,  
Karunagappally Taluk.

2. Sanu D.John, aged 38 years, S/o.Johnkutty,  
Sanu Villa, Arinalloor Muri, Arinalloor South  
P.O, Thevalakkara Village, Karunagappally  
Taluk.

This petition filed under Order XXXIX Rule 1 CPC for interim injunction.

This petition coming on for final hearing before me on 22.12.2020 and on the same day the court passed the following.

**ORDER**

Petition filed under order XXXIX Rule 1 C.P.C

Heard and perused the records. I am satisfied that the pleadings and materials on record disclose a prima facie case. Balance of convenience is also in favour of the plaintiff and irreparable injury and loss would be caused to the plaintiff if injunction is not granted. Having gone through the nature of the reliefs sought for, it seems that issuance of notice would defeat the purpose of the suit. So, the defendants are restrained from parking vehicles on the plaint B schedule pathway so as to obstruct the plaintiff's access through it, until further orders. It is made clear that the defendants can make use of the pathway for their access, subject to the condition that they shall not obstruct the plaintiff's right of way also. Comply Order XXXIX Rule 3 C.P.C.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 22<sup>nd</sup> day of December, 2020.

Sd/-  
Praveen Kumar.G,  
Munsiff.

Appendix:- Nil.

Id/-  
Munsiff.

//True Copy//

MUNSIFF

Copied by : Jyothilekshmy.R  
Compared by :