

**ORDERS ON IA NO.1**

This is the suit filed by the plaintiffs against the defendant authority seeking for permanent injunction restraining the defendant, its agents, men, or anybody, under or through it from demolishing any portion of the schedule building and or in any way interfering plaintiffs peaceful possession of the schedule building and other consequential reliefs.

2. Along with the plaint, the plaintiffs have filed IA No. 1 under O 39 R 1 and 2 and prays to grant ex-parte ad-interim order of temporary injunction against the defendants, its agents, men, or any body under or through it from demolishing and damaging or from interfering with the peaceful possession and enjoyment of the suit schedule property pending disposal of the suit.

3. The plaintiff submits that he has obtained sanction plan on 09-12-2021 from the defendant authority and started constructing building over the suit schedule property. However, the defendant authority came near the property abruptly and threatened the plaintiff to demolish the suit schedule property on 12-07-2023 and again on 24-11-2023 and have made threats to demolish portion of the schedule building.

4. Further, the plaintiff submits that the defendant authority has not issued any notice under the applicable law stating that the plaintiff has constructed building by deviating the sanction plan. The plaintiff submits that he has issued the statutory notice to the defendant authority on 08-07-2023 which was duly acknowledged by the defendant authority on 11-07-2023. Hence, the plaintiff has duly complied with the provision of Sec. 482 of KMC Act. The defendant authority has not replied to the said statutory notice and therefore this Court can grant ex-parte ad-interim order

of temporary injunction. Therefore, on perusal of the pleadings, application, accompanied affidavit and all other documents placed by the plaintiff before this court, at this juncture, this Court is of the opinion that the plaintiff has made out essential requisite grounds in his favour.

5. Hence, this Court is of the considered opinion that granting ex-parte ad-interim relief of temporary injunction against the defendant is necessary to protect the interest of the plaintiff over the suit schedule property by restraining the defendant authority from interfering with the suit schedule property illegally till the next date of hearing.

6. If this Court instead of granting exparte ad-interim order of temporary injunction orders for the issuance of notice to the defendant authority then the very purpose of granting temporary injunction would be defeated by delay. Hence, for the following:

### **ORDER**

The defendant, its agents, men, or any body under or through it are hereby restrained, by way of exparte ad-interim order of temporary injunction, from demolishing or damaging any portion of the suit schedule property or in any way interfering with the plaintiffs peaceful possession of the suit schedule property till the next date of hearing.

The plaintiff is hereby directed to comply the order 39 R 3(a) of CPC.

Issue notice of order on TI on IA No.1, notice on IA No.1 and suit summons to defendant by 12-01-2024.

(01-12-2023)

**XXX Addl.CC & SJ Bengaluru.**