

Perused the I.A.NO.1 , affidavit and documents in support of the case of the plaintiffs.

I.A.No.1 filed by the plaintiffs under Order XXXIX Rule 1 and 2 r/w Sec.151 of CPC to restrain the defendants from interfering with the peaceful possession and enjoyment of the suit schedule property, pending disposal of the suit. The said application is supported by the affidavit of the plaintiffs.

2. The contents of plaint and affidavit and also documents produced by the plaintiffs reveal that,

originally suit property was belonged to one S.Abdhul Gaffar. He gift / Heeba the suit schedule properties as per Mohamadan Law dated 24-07-1966 in favour of his wife and 4 daughters. From them the present plaintiffs have acquired right over the suit properties under registered sale deed dated 01-03-2006. In pursuance of the said sale, Katha of the suit schedule properties was acquired in the name of plaintiffs as per document No.45 to 48. The plaintiffs have also produced photos to locate and identify the suit properties, as per that it is a vacant site. The defendants having no manner of right, title or interest muchless possession over the suit schedule properties, attempted to interfere with the possession of the plaintiffs when they attempted to clean the site and also put up compound wall around the suit properties. Hence, prayed to allow the application.

3. The documents produced by the plaintiffs prima-facie reveals that, they are the owners and in possession of the suit properties. The suit properties are the vacant site and some bushes and creepers have been grown and by-passers have also thrown garbage in the suit properties and thereby, it is emitting bad smell to the nearby apartment residence, so the plaintiffs have started to clean the site to avoid complaint from the residence of the nearby flat. At that juncture, the defendants interfered and not allowing the plaintiffs to clean the site. If the injunction is not granted, the plaintiffs are not in a position to clean the vacant site and thereby the neighbors will face so many

health disorders. Therefore, I am of the opinion that, it is a fit case to grant Temporary Injunction. Accordingly, notice contemplated under Order 39 Rule 3 CPC is dispensed with and I proceed to pass the following:

ORDER

I.A.No.1 filed by the plaintiffs is hereby allowed.

The defendants, their agents or anybody claiming under them, are hereby temporarily restraining from interfering with the cleaning work of the suit properties and also put up compound around the suit properties in any manner, till next date. The plaintiffs on the basis of the said order shall not put up any permanent structure on the suit schedule properties.

The plaintiffs are hereby directed to comply Order 39 Rule 3A of CPC.

If, plaintiffs are furnished sufficient PF, copies of plaint, copies of IA and other documents, then only office is directed to issue certified copy of the order sheet. If the said things are not complied exparte order granted to the

plaintiffs automatically stands
canceled.

Issue suit summons to
defendant and Order on I.A.NO.1,

Returnable by 11-01-2023.

(BALAGOPALAKRISHNA)
XXII ACC & SJ, B'LURU.