

17.12.2022

ORDER ON I.A. NO.1

Heard and perused the I.A. No.1 and filed by the plaintiff under order XXXIX Rule 1 and 2 of CPC, seeking for ad-interim order of temporary injunction restraining, preventing the defendant office bearers or anybody claiming under them or acting on their behest from permitting the plaintiffs entry into the defendant Association or restricting the plaintiff from using facilities of Association.

The application in support by an accompanying affidavit of the plaintiff and the plaintiff has produced the list of documents like -

- 1)Membership card,
- 2)Bye-laws,
- 3)copy of the pamphlet distributed.
- 4)Copy of the pamphlet distributed by the plaintiff,
- 5)Show cause notice,
- 6)Plaintiff reply notice,
- 7)Copy of Board meeting and
- 8)Copy of suspension order dated 25.11.2022.

The material placed by the applicant/plaintiff is to show that there is a prima facie right of plaintiff in the suit club.

At this stage, I am satisfied that the plaintiff has made out a prima facie case over the suit club. If temporary injunction is not granted the purpose of filing of the application I.A. No.1 will be frustrated. Therefore, I proceed to pass the following -

ORDER

Issue ad-interim temporary injunction restraining, preventing the defendant office bearers or anybody

OS No.8064/2022

claiming under them or acting on their behest from prohibiting the plaintiffs entry into the defendant Association, till the next date of hearing.

Plaintiff shall comply the provision under Order XXXIX rule 3-A of CPC.

Issue suit summons, I.A. notice, temporary injunction order to the defendants subject to compliance.

Call on 14.02.2023.

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.