

ORDERS ON IA.NO.1

Plaintiff has filed the instant suit restraining the defendants, their men, agents, attorneys or anybody claiming under them from interfering with its peaceful possession and enjoyment of suit property and/or causing interference, obstruction with running the school and school relating activities in the suit property.

2. Along with the suit, plaintiff has filed IA No.1 U/O.39 Rule 1 and 2 of CPC seeking temporary injunction of the very same reliefs.

3. Plaintiff has produced the photocopies of authoisation letter dt: 19.4.2023, sale deeds dated: 24.02.2016, 27.09.2017, order issued by BBMP, katha certificate, katha extrct, tax paid receipt, sanctioned plan and permission accorded by Block Education Officer dt: 31.12.2022. The recitals of the above documents would prima-facie support the contention of the plaintiff that it is a registered Trust running educational institution in the suit property by obtaining necessary permission from the Education Department.

4. In the affidavit annexed to the application, the Administrator of the plaintiff has stated that, defendants though having no manner of any right, title or interest in the suit property or the educational institution existing therein with the help of antisocial elements causing obstructions with carrying day to day functions of education institution existing in the suit property . the Administrator of plaintiff has also filed affidavit stating that

as per clause 32 of bye laws the Managing Committee authorised the president of the Trust to file suit against defendant.

5. The counsel for the plaintiff submits that the admission process would commence soon. If the defendants are not restrained from interfering with day to day activities of the educational institution, it would be very difficult for the plaintiff to carry the admission process peacefully. Therefore, having regard to the facts of the case, the court is of the opinion that if the relief of injunction is not granted, plaintiff-institution will be put to untold hardship and inconvenience. Therefore, to enable the plaintiff to carry out its day to day activities of education institution, it would be just and proper to grant ad-interim order of temporary injunction. In view of the above, I pass the following:-

ORDER

Ad-interim order of temporary injunction is granted subject to production of the resolution of Managing Committee authorising the President to file the suit against the defendants on the next day of hearing without fail.

Defendants, their men, agents, representatives or anybody on their behalf are restrained from causing obstructions with day to day functions of the education institution existing in the suit property till the next date of hearing.

O.S.No. 25713/2023

Plaintiff is directed strictly to comply the provisions of Order 39 Rule 3 (a) and (b) of CPC.

Issue order of TI, emergent notice of IA No.1 and suit summons to defendants through court process and also by RPAD.

Certified copies of the order be issued only after Plaintiff comply the provisions of XXXIX Rule 3(a) and (b) and taken steps against defendants.

Call on 08/06/2023.

*LXXIV Addl. City Civil & Sessions Judge
Mayohall Unit, Bengaluru.*