

ORDERS ON IA No.I

This is an application filed by the plaintiff under Order-39 Rules 1 and 2 read with sec.151 of the C.P.C.

Heard counsel for plaintiff on IA No.I. Perused the annexed affidavit, plaint averments and documents placed on record.

It is the case of the plaintiff that she is the absolute owner in possession of the suit schedule properties. Suit 'A' schedule property has been acquired by Smt.Yashodamma under a Registered Sale Deed dtd. 07.09.2001 from Munithimmakka. In turn said Yashodamma executed an unregistered Will dtd. 21.03.2005 in favour of her son P.Ravi husband of the plaintiff. Said P.Ravi in turn gifted the suit schedule 'A' property under a Regd. Gift Deed dtd. 30.05.2023 in favour of the plaintiff. The suit schedule 'B' property was acquired by Smt.Yashodamma mother in law of the plaintiff and P.Ravi husband of the plaintiff jointly under a Regd. Sale Deed dtd. 07.01.2016. Defendants are totally strangers to the suit schedule properties, having no right, title, interest and share over the same and claiming ownership over the suit schedule properties and trying to encroach over the same and putting up construction. The act of the defendants is illegal contrary to the right and interest of the plaintiff. If they succeeds in their illegal act, the plaintiff will be put to irreparable loss and injury. The said illegal act of the defendants is required to be

restrained by an ad-interim Ex-parte temporary injunction; otherwise, the plaintiff will be put to irreparable loss.

Sworn to this fact satisfies as to the relief sought for in the application. In view of the urgency of the matter, if the prior notices are ordered to be issued, meanwhile the defendants may put up construction over the suit schedule properties. Under such circumstances, very purpose of filing the suit will be defeated. Hence, prior notices are dispensed herewith and proceeded to pass the following:-

O R D E R

Keeping IA No.I pending for consideration, the defendants are hereby restrained from putting up construction over the suit schedule properties, by way of ad-interim temporary injunction till next date of hearing.

Plaintiff is directed to comply with the provisions of Order-39 Rule-3(a) of the C.PC.

After compliance, office to issue T.I order and suit summons to the defendants 1 to 3 if PF and charges are paid, returnable by :
21.07.2023.

(MALLIKARJUNA)
LXXIII Addl.CC & SJ,M.H.Unit,
Bengaluru.

