

Case called out.

The counsel for plaintiff present.

Heard on IA filed u/o 39 R 1 and 2 r/w Sec 151 of CPC. For order, kept by.

Order on IA 39 R 1 and 2 r/w
Sec 151 of CPC

The plaintiffs have filed this suit for perpetual injunction against the defendant, restraining the defendant, its agents, men or anybody claiming under or through them from demolishing the suit property/building and from interfering with the plaintiffs' lawful possession of the suit schedule property without due process of law.

Along with plaint, the plaintiffs have filed this IA seeking ex-parte ad-interim injunction against the defendant, its agents, men or any body claiming under or through them, restraining from demolishing the suit property/building and from interfering with the plaintiffs' peaceful possession of the suit schedule property till disposal of the suit.

I have perused the grounds stated in the affidavit, filed by the plaintiff No.1.

In support of his application, the plaintiff has produced xerox copy of JDA dated 06.08.2011, xerox copy of gift deed dated 23.03.2004, katha certificate, katha extract, tax paid receipt, sanction plan, release deed dated 15.06.2018, JDA dated 21.04.2021, GPA dated 21.04.2021 and katha

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certificate, katha extract, office copy of legal notice issued u/s 482(1) of KMC Act with postal receipt and acknowledgment and photo of the building.

At the time of argument, the counsel for plaintiff has produced original JDA dated 06.08.2011 and 21.04.2021, original GPA dated 21.04.2021, katha endorsement, katha certificate, katha extract, two tax paid receipts and sanction plan.

After comparison with xerox documents produced along with plaint, original documents are returned to the counsel for plaintiff.

I have gone through all the documents produced by the plaintiff. On perusal of the same, it is seen that plaintiffs have made out prima-facie case. In order to protect the suit schedule property, it is just and necessary to issue ex-parte temporary injunction against the defendant. Hence, I proceed to pass the following:

ORDER

Ex-parte TI is granted and thereby the defendant, its agents, men or anybody claiming under or through them, are hereby restrained from demolishing any portion of suit building and and restrained from interfering with plaintiff's peaceful possession of the suit property, till next date.

The plaintiffs are hereby directed to comply the provisions of U/Order 39 Rule 3 of CPC.

Issue suit summons and notice on IA to the defendant if P.F is paid.

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For appearance of defendant.
Call on 24.12.2021.

LXXIII A.C.C J & S.J,
B'luru (CCH-74)