

(2023) 12 KAR CK 0005

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 7889 Of 2023 (CPC)

Ashoka. S

APPELLANT

Vs

C. Venkatesh

RESPONDENT

Date of Decision : 05-12-2023

Acts Referred:

Code Of Civil Procedure Code, 1908 — Order 39 Rule 1, Order 39 Rule 1(r), Order 39 Rules 2, Order 43 Rules 1(r)

Citation : (2023) 12 KAR CK 0005

Hon'ble Judges : H.T. Narendra Prasad, J

Bench : Single Bench

Advocate : C.S. Prasanna Kumar

Final Decision : Disposed Of

Judgement

H.T. Narendra Prasad, J

1. This appeal is filed by the plaintiff under Order 43 Rule 1(r) of CPC, challenging the order dated 02.11.2023 passed by the Senior Civil Judge and JMFC, Anekal on IA No.1 filed under Order 39 Rules 1 and 2 of CPC in O.S.No.1329/2023.

2. For the sake of convenience, parties are referred to as per their ranking before the trial court.

3. The plaintiff filed a suit for declaration and injunction. Along with the plaint, he has also filed an IA under Order 39 Rules 1 and 2 of CPC seeking a prayer to restrain the defendant from interfering with the suit schedule property of the plaintiff. The trial court, by order dated 02.11.2023 neither granted ex-parte injunction order nor given any reason for adjourning the matter to issue notice to the defendant. Hence, the plaintiff is before this Court.

4. Now, the case is posted to 07.12.2023. Hence, the trial court is directed to consider the application filed by the plaintiff, if he has made out any case for

granting ex-parte injunction order.

5. With the above observations, the appeal stands disposed of.

6. All pending applications stand disposed