



O.A. No.676 of 2021

in

C.S. No.323 of 2021

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ABDUL QUDDHOSE,J.

This suit has been filed for bare injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

2. Along with the plaint, to prove his title, the plaintiff has filed a Settlement Deed dated 12.09.2013 registered as Document No.3675 of 2013, which stands in the name of the plaintiff in respect of the suit schedule property. Patta for the suit schedule property has also been filed along with the plaint as plaint document No.7.

3. The contention of the plaintiff is that he is the absolute owner of the suit schedule property and that the first defendant, exploiting her position as a care taker for the plaintiff's mother, while she was alive, is attempting to trespass into the suit schedule property on the ground that she has a Will executed in her favour by the mother of the plaintiff. The said Will is disputed by the plaintiff as seen from the plaint averments.



4. Pending suit, O.A. No.676 of 2021 has been filed seeking for an injunction restraining the respondents from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. By order dated 29.10.2021, this Court granted an order of interim injunction in favour of the applicant/plaintiff in O.A.No.676 of 2021 after observing that the applicant/ plaintiff has made out a *prima-facie* case for grant of injunction and balance of convenience is also in his favour. This Court has also perused and examined the affidavit filed in support of this application and the plaint documents and is of the considered view that applicant/plaintiff has made out a prima-facie case for the grant of interim injunction and balance of convenience is also in his favour.

5. Notice has been duly served on the respondents in this application and their names have also been printed in the cause list today. Despite service of notice, no one has entered appearance on behalf of the respondents till date.

6. For the foregoing reasons, injunction granted by this Court on 29.10.2021 in O.A. No.676 of 2021 is made absolute and the application is allowed as prayed for.



7. Registry is directed to print the name of the defendants, if the suit summons had already been served on the defendants and post the suit on 14.12.2021.

30.11.2021

srn/ab



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srn

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