

ORDER BELOW APPLICATION AT EXH. 06

Learned counsel of the appellant present.

(1) Present Regular Civil Appeal has been preferred by the appellants -original plaintiffs being aggrieved and dissatisfied by the judgment and decree dated 22.10.2021 passed by the Court of learned Additional Civil Judge, Lalpur in Regular Civil Suit No. 48 of 2010.

(2) Learned Trial Court vide its judgment and decree dated 22.10.2021 dismissed the suit of plaintiffs.

(3) During the appeal, appellant made an application at Exh.06 seeking the prohibitory injunction by directing the respondent no.2 not to disposed off or transfer disputed property till disposal off appeal.

(4) Learned counsel of the appellant stated that appellants have the apprehension that defendant no.2 is going to disposed off the disputed property to third party. If property would be disposed off by the defendant no.2 then multiplicity of the proceeding would be caused.

(5) Considering the facts of the case and submissions made by the learned counsel of appellant, respondent no.2 is hereby directed not to dispose off the disputed property by any mode of transfer without permission of the court till next date of hearing.

(6) Present order shall come into force only from the day and time of duly service of summons with copy of memo of appeal, copy of application at Exh.6 and copy of this order on respondent no.2 by any mode of service of summons provided under Order V of CPC.

(7) Appellants are permitted to serve the summons on respondent no.2 as per provisions contain under Rule 9(a) of Order V of CPC. If service of summons on respondent no.2 is affected as per provisions contain under Rule 9(a) of Order V

of CPC then appellant shall also provide copy of memo of appeal, copy of application at Exh.6 and copy of present order to respondent no.2 and shall obtain the signature of respondent no.2 on the second copy of summon. Time and date of service of summons on respondent no.2 shall also be mentioned by the appellants. Appellants shall submit an affidavit in the court regarding the service of summons as per aforesaid summons.

Order is pronounced today in the open court on this 10th December, 2021

Date:10/12/2021

M.R.Chaudhary

Place: Jamnagar

4th Additional District Judge, Jamnagar