

ORDERS

Perused the pleadings, suit documents, I.A.No.I and II and the affidavits filed by the plaintiff in support of I.A.No.I and II.

The plaintiff has filed I.A.No.I under Order XXXIX Rule 1 and 2 R/w Section 151 of the Code of Civil Procedure seeking an order of temporary injunction restraining the 3rd defendant, his agents, servants, attorneys etc., or anybody claiming through him or on his behalf from interfering with the plaintiff's rights in the Partnership Firm "Mohanlal Premji Patel & Bros" and day today activities of the said Partnership Firm to the detriment of the plaintiff pending disposal of the suit.

I.A.No.II is filed under Order XI Rule 14 R/w Section 151 of the Code of Civil Procedure seeking an order to direct the defendants to produce the original Partnership Deeds dated 01.04.2020, 13.01.2021 and the Lease Deed dated 23.09.2021.

I.A.No.I and II are supported with the affidavits of plaintiff.

The plaintiff has filed this suit against the defendants for declaration to declare that the Lease Deed dated 23.09.2021 and the Partnership Deed dated 13.01.2021 are null and void documents and not binding on the plaintiff, Mandatory Injunctions and Permanent Injunction.

On perusal of the pleadings of the plaintiff and the suit documents, it appears that the claim of the plaintiff is based on the fact that she is the wife and the legal heir of Late Narsi P. Patel, who is one of the Partners of the Partnership Firm "Mohanlal Premji Patel & Bros" in which he had 34% of the share. It is alleged that after his death, the said Partnership was reconstituted through Partnership Deed dated 13.01.2021 which is under challenge by the plaintiff in the present suit. At this stage of the proceedings, if the exparte order of temporary injunction is granted without issuance of notice to the 3rd defendant, it will affect the day today business of the Partnership Firm in which other two partners of the Partnership Deed dated 01.04.2000 who have total 66% of the share in the Partnership Firm. In such an event, they

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will suffer irreparable loss and injury. On the other hand, the allegation of the plaintiff requires the consideration of the contention of the defendants and therefore, at this stage of the proceedings, the plaintiff has not made out prima-facie for grant of exparte temporary injunction order. The delay in issuance of notice on I.A.No.I to the 3rd defendant will not defeat the purpose of the temporary injunction order as prayed in I.A.No.I. It requires issuance of notice on I.A.No.II to the defendants. Hence, I proceed to pass the following;

ORDERS

Issue suit summons and notices on I.A.No.II to the defendants and emergent notice on I.A.No.I to the 3rd defendant.

Returnable by 04.09.2025.

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.