

Later on, above numbered case is called out **through video conference** at the request of the learned counsel for the plaintiff and heard learned senior counsel from his office/remote point on I.A. No.1 and 2 at court point and perused the contents of affidavit along with the material on record.

The applicant/plaintiff has filed I.A. No.1 and 2 under Order 39 Rule 1 and 2 CPC seeking an ad-interim exparte injunction restraining the defendants from interfering with enjoyment of schedule 'B' property and from alienating the schedule 'A' property till disposal of the suit for the reasons assigned in the accompanying affidavits. Based on material on record at this stage I am not satisfied with respect to interim relief claimed under I.A. No.1 pertains to schedule 'B' property.

However, on perusal of plaint averments, contents of the affidavits as well as the documents furnished by the plaintiff viz., original Will dated 29/11/1989, sale deed dated 14/07/2003, katha extract and certificate along with tax paid receipts/rent agreement go to show that there is a prima-facie case in favour of the plaintiff in respect of the relief claimed under I.A. No.2 regarding alienation of the schedule 'A' property.

It is worth to note that plaintiff has filed above numbered suit for the relief of declaration, possession and injunction in respect of suit schedule properties stating that he is the owner of south eastern portion of property bearing No.3309, New No.3309/23, 5th Cross, I Main, 'C' Block, Gayathri Nagar, Bengaluru and schedule 'A' property has been purchased from defendant No.1 under a registered sale deed, but the defendant No.1 has executed a Gift Deed in favour of defendant No.2 wife and she is now trying to alienate the same to third parties based on alleged forged GPA and Gift Deed. So, in such circumstances, if the notice of I.A.No.2 is issued to the defendants, then the very purpose of filing of the suit will be defeated by delay and it will cause loss and inconvenience to the plaintiff. Wherefore having regard to facts and circumstances of the case I find that in order to avoid multiplicity of litigation it is just and proper to pass the following:

ORDER

Issue emergent notice on I.A. No.1 to defendants.

Further, the defendants are hereby restrained by an ad-interim exparte injunction from alienating the suit schedule 'A' property in favour of third parties till next date of hearing.

The plaintiff shall comply the proviso under Order 39 rule 3 (a)(b) of C.P.C.

Issue order of ex-parte T.I. granted on I.A. No.2 and S.S. to defendants if complied the aforesaid proviso and paid DPF if any.

Call on by 20/07/2020.

(C.D. KAROSHI)

**V ADDL.CITY CIVIL JUDGE
BANGALORE**