

The present suit has filed for the relief of partition and separate possession. Along with plaint I.A. No. 1 has been filed under order 39 Rule 1 and 2 of CPC by seeking ex parte order of temporary injunction restraining defendant No.2 to 5 (tenants occupying the plaint schedule property) to deposit the monthly rents etc., in respect to the houses they are currently occupying in the plaint schedule property till disposal of the suit.

Even after going through the all documents and pleadings put forth by the plaintiff, I am of the opinion that the plaintiff has failed to establish prima facie of the case at this stage. Further, object of granting injunction would not be defeated by the delay, without giving a notice of the application to the opposite parties, for the same notice require to issue to the opposite party, as such I pass the following:-

ORDER

Issue emergent notice on I.A. No. 1 and suit summons against the defendants returnable by 05/12/2023.

V ACC&SJ. Bengaluru.

