

ORDERS ON I.A.Nos. I & II

The plaintiff has filed this suit against the defendants praying to declare that registered partition deed dated 23.01.2017 entered between defendants No.1 to 5 is null and void, same is not binding on the plaintiff and also to declare that sale deed dated 13.05.2017 executed by the defendant No.6 representing himself as purchaser based on un-registered G.P.A dated 23.01.2017 is null and void, same is not binding on plaintiff and also consequential relief of permanent injunction restraining the defendants and any persons on their behalf from trespassing and interfering with the peaceful possession and enjoyment of the

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item Nos.1 and 2 of suit schedule properties described in the plaint.

2. The plaintiff along with the suit has filed I.A.Nos.I and II both under Order 39 Rules 1 and 2 r/w Section 151 C.P.C., wherein, under I.A.No.I prayed to pass temporary injunction against defendants 1 to 6 and any persons on their behalf restraining them from alienating the item Nos.1 and 2 of suit schedule properties described in the plaint, whereas, in I.A.No.II, prayed to pass temporary injunction order against the defendants and any persons on their behalf restraining them from causing interference with the peaceful possession and enjoyment of the plaintiff over the item Nos.1 and 2 of suit schedule properties described in the plaint.

3. Sri. S.Y.K., learned counsel for the plaintiffs submits to pass Ex-parte order of temporary injunction against the defendants and any persons on their behalf as prayed in I.A.Nos.1 and 2 till disposal of this suit. Item Nos.1 and 2 of the suit schedule properties are the immovable properties described in the plaint. The perusal of certified copies of

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registered sale deed dated 09.11.1977, registered partition deed dated 18.05.1998 and certified copy of partition deed dated 15.09.1974, copy of final decree in O.S.No.7702/1996 and other documents Tax paid receipts, Katha certificate, and copy of legal notice dated 01.07.2017 and reply notice dated 14.07.2017 produced on behalf of the plaintiff along with suit and perusal of records disclose that the plaintiff and the defendants seems to have their alleged right, title and interest over item Nos.1 and 2 of suit schedule properties on the basis of registered documents discussed above and also other documents produced along with the plaint. Under the circumstances, this Court is of the considered opinion to hear defendants on these I.As before proceeding with the T.I. order much less as sought in these I.ANos.1 and 2. The plaintiff in the affidavit accompanying to both the I.A Nos.I and II has prayed to issue Ex-parte temporary injunction order against the defendants and any persons on their behalf restraining them from interfering with his peaceful possession and enjoyment of item Nos. 1 and 2 of suit schedule properties, but, whereas the

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prayer of the plaintiff in I.A.No.I is to restrain the defendants and any persons on their behalf from alienating the suit schedule item Nos. 1 and 2 properties. Hence, proceed to pass the following;

ORDER

Issue suit summons and emergent notice of I.A.Nos.I and II to the defendants returnable by 17.10.2017.

(I. F. BIDARI)
II ADDL. CITY CIVIL & SESSIONS JUDGE
AND SPECIAL JUDGE, BANGALORE CITY.