

ORDER ON IA No.I

The present application is filed by the plaintiff U/o 39 rule 1 and 2 of CPC seeking to restrain the defendant from alienating the suit property in any manner.

2. The plaintiff contended that he has filed the present suit seeking partition separate possession. One Kallayya was the

original propositus. He had wife by name Neelavva. Out of their wedlock 4 children's were born, they were the defendant No.1 to 3 and Mahantesh who is the husband of plaintiff No.1. Further, contended that they have ancestral and joint family properties. There was a division by entering in to apsat vatni. The suit property was given to deceased Neelavva W/o Kallayya. After her demise, the suit property has to be revolved to the plaintiff and defendant No.1. Further contended that the suit property i.e. RS No.196/2 was purchased by husband of plaintiff No.1 and defendant No.1. The suit property was mutated in the defendant No.1 only as Kartha of the family. The name of the defendant No.1 is mutated in respect of the suit property. Now after demise of Neelavva Kallayya Veeraktamath, the defendant No.1 taking advantage of his own name in respect of the said property has executed gift deed in respect of the said property in favour of his childrens on 12.01.2026. Now as per the gift deed he has applied before Tahsildar for mutation of their children name. Now she has filed objection to the said gift deed.

3. The plaintiff in support of his contention relied on RTC and unregistered apsat vatni patra, encumbrance.

4. On perusal of the prayer in IA No.1, the plaintiff has sought to restrain the defendant No.1 from mutating the name of his children by virtue of the gift deed. As per say of the plaintiff only the gift deed has been executed by the defendant No.1 in favour of his children's i.e. Mallikarjun, Nagesh Adavayya Veeraktamath. The said persons are not made as parties in the present suit. Hence, in the present facts of the case before passing any order on I.A.No.1, it is necessary to hear the other side. Hence, the following:

ORDER

Issue suit summons to
defendant and emergent notice on
IA No.1 to the Defendants.

R/by

Sd/-

**I Addl. Civil Judge and JMFC
Bailahongal.**