

OS 77/2024.

Case called out.

Plaintiff present.

Counsel for plaintiff addressed his arguments and pressed on ex parte interim orders on IA.No.1.

Heard and perused.

**ORDERS ON I.A. No.1**

This is the suit filed by the plaintiff for the relief of Partition and Separate possession over the suit schedule properties.

Counsel for plaintiff submits that, the suit schedule properties are ancestral and joint family property of Plaintiff and defendant.

After the death of propositors Venkappa the defendant No.1 and 2 obtained revenue records in their name with regard to Item No.1 of the suit schedule property, without having any exclusive right over the Item No.1 of the suit schedule property, they have sold Item NO.1 property in favour of 3<sup>rd</sup> defendant.

I have gone through photo copy of sale deed dated 10.08.2018.

By perusal of the same the said transfer took place. Further by perusal of M.R.No.71 for the years 2005-06 which shows the Item No.1 property mutated in the name of Plaintiffs and defendant No.1.

But thereafter the L/Counsel without the knowledge of plaintiff as per M.R.No.H6 obtained the mutation entry only on his name and deprive their right he has sold out the their property. As of know the RTC the Item No.1 stands in the name of 3<sup>rd</sup> defendants.

By considering the submissions made by the learned Counsel for plaintiffs and affidavit to the application and also by perusal of the RTC for the year 2019-20 stands in the name of 3<sup>rd</sup> defendant.

By considering the suit filed for the relief of partition and separate possession and relation between the parties, it appears plaintiff is having prima facie case at this stage. Therefore delay in granting injunction would defeat the object of the injunction applied for and also to avoid multiplicity of proceedings, it is required to grant ex parte interim order.

Hence the court passes the following order.

**::ORDER::**

The defendant No.3 his agents, henchmen acting on their behalf are directed not to alienate the suit schedule item No.1 property till the next date of hearing.

Plaintiffs/applicants are hereby directed to issue notice to defendants for compliance under order 39 Rule 3 of C.P.C.

Office is directed to issue this order copy to plaintiffs after compliance.

Issues S/S and emergent notice to defendant No.3.

Plaintiff directed to pay deficit fee and also if any copies required without fail.

Call on 31-05-2024.

**SD/-  
PCJ & JMFC., Mudhol**