

Heard plaintiff counsel on IA No.1 perused the plaint, IA No.1 and documents filed with the plaint. As per the office note no caveat is pending.

As per the Plaint pleadings the plaintiff and defendant are the Husband and wife. It is stated that the Plaintiff and defendant out of their joint earning have purchased the suit schedule property. Some of the suit properties are purchased in the name of plaintiff and some of the suit properities are purchsed in the name of defendant and some suit properies are purchased in the joint names of plaintiff and defendant. Thus, it is stated that suit schedule properties are absolutely owned by plaintiff and defendant jointly. It is stated that now there is dispute between the plaintiff and defendant and they are residing separetly. Now the defendant is trying to alienate the properties standing in his name. This suit is for the relief of partition. The right of the plaintiff over the properties standing in the name of defendant is to be decided after trial. If in the pendency of the suit the defendant alienate the suit property it will create third party interest and it will lead to multiplicity of

the proceedings. Therefore, to protect the suit properties from creating third party interest at the prima-facie stage it is necessary to grant an order Temporary Injunction. Hence, I proceed to pass the following :

ORDER

The defendant is restrained from alienating the suit schedule property or creating charge over the suit schedule property till next date of hearing.

The Plaintiff shall comply the provisions of U/o 39 rule 3 of CPC.

Issue TI order, emergent notice of IA No.1 and suit summons to the defendants.

Call on 16.12.2020.

***Prl. Civil Judge & JMFC,
Anekal***