

12-02-2024

The appellants have filed the present appeal by challenging the impugned order dated 29-11-2023 passed by II Additional Civil Judge & JMFC, Devanahalli.

I.A. No.I has been filed U/O. 32 Rule 3 of C.P.C. seeking permission to appoint the respondent No.2 as natural guardian of minor respondents No.3 to 5. Heard and since the reasons are made out, I.A. No.I is allowed. The respondent No.2 is appointed as next friend of minor respondents No.3 to 5.

The counsel for appellant filed memo by not pressing I.A. No.II filed U/O. 41 Rule 5 of C.P.C. Heard and memo is allowed and I.A. No.II is hereby dismissed as not pressed.

The Appellant counsel has filed I.A. No. III under order 39 Rule 1 & 2 of C.P.C. seeking order of temporary injunction against respondents No.6 and 7 to restrain them from disbursing the compensation amount pertaining to O.S.No. 436/2021 till disposal of appeal.

Heard.

It is noticed that, respondents No.6 and 7 are Special Deputy Commissioner and SLAO and no application filed Under Section 80(2) of C.P.C. On going through the entire pleadings and the documents on record, I am of the opinion that it is just and necessary to hear the other side before passing any restraining order in respect of I.A. No.III.

Hence, I proceed to pass the following :

ORDER

Issue notice to respondents along with emergent notice of I.A.No.III to the defendants No.6 and 7 if P.F. paid.

R/by : 11-03-2024.

Sd/-

**Addl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**