

**O.S.NO.207/2023**

**14-02-2023**

Pltfs. - K.N.M.

D1 & D2 -

■ For Orders

**14-02-2023**

The I.A.No.1 is filed under order 39 Rule 1 & 2 of C.P.C. seeking to restrain the defendants and their agents or anybody acting under them from alienating the suit properties during pendency of suit. According to them, they themselves and defendants constitute Hindu undivided joint family and suit properties are the joint family properties of themselves and defendants. The request made by them to effect Partition and Separate Possession has been turn down by defendants. Hence they approached this court.

The plaintiffs shown apprehension that the defendants may alienate the suit properties. Hence they filed I.A.No.1 under order 39 Rule 1 & 2 of C.P.C seeking to restrain the defendants and their agents or anybody acting under them from alienating the same.

Perused the plaint averments and annexed documents such as Genealogical Tree, Record of Rights, copy of Sale Deed and order of Assistant Commissioner which indicates prima-facie case in favour of Plaintiffs at this stage. If notice is ordered prior to considering the I.A.No.1 the purpose of filing of suit would be defeated. Therefore in order to protect the interest of both the parties over subject matter of suit, I proceed to pass the following :

**ORDER**

The defendants and their agents or anybody acting under them are hereby temporarily restrained from alienating the suit properties to the 3<sup>rd</sup> parties till next date of hearing.

The plaintiffs shall comply order 39 Rule 3 A of C.P.C. in respect of I.A. No.1. Issue suit summons to defendants through R.P.A.D. and through Court along with interim order passed on I.A. No.1 against defendants.

The Plaintiffs shall pay sufficient process fee and registered postal cover and acknowledgment. If they failed to pay the proper process fee, the office is directed to post this case immediately before the court so as to pass appropriate order in vacating it.

**Call on : 15-04-2023.**

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

