

26-11-2021

Pltfs. - A.S.,

D1 to 3 -

■ For Orders

26-11-2021

Having heard the heard counsel for plaintiff on an I.A. No.1 which are filed under order 39 Rule 1 and 2 of C.P.C. seeking to restrain the defendant No.1 and his agents or anybody acting under him from alienating the suit property to the 3rd parties during pendency of suit, I proceed to pass the following order.

According to the plaintiff, she herself and defendants No.1 to 3 constitute Hindu undivided joint family and suit property is the joint family property of herself and defendants No.1 to 3. The request made by her to effect partition and separate possession has been turn down by defendants. Hence she approached this court. She shown apprehension of alienation of property by defendant No.1. Hence she filed I.A. Under order 39 Rule 1 & 2 of C.P.C. seeking to restrain the defendant No.1 from alienating the property.

Perused the plaint averments and annexed documents. The plaint averments and annexed documents indicates prima-facie case in favour of plaintiff at this stage. Hence in order to protect the interest of both the parties over subject matter of suit and to protect the property for trail, I proceed to pass the following:

O R D E R

The defendant No.1 and his agents or anybody acting under him are hereby temporarily restrained from alienating the suit property to the 3rd parties till next of date hearing. Issue summons to defendants along with interim order passed on I.A.No.1.

The plaintiffs shall comply order 39 Rule 3 A of C.P.C. in regard to I.A. No.1.

The Plaintiff shall pay sufficient process fee and registered postal cover and acknowledgment. If she 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 interim order.

Call on : 07-02-2022.

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