

19.04.2024

O.S.No.421/2024

The plaintiff is absent.

Heard on I.A.No.1 and perused the documents.

The above suit is filed for Partition & Separate Possession of 1/4th share in the Items No.1 to 7 of the plaint schedule properties and for Declaration against the Registered Sale Deeds commencing from the year 2003 and Registered Partition Deed dated 31.12.2008. The plaintiff contends that, she was married and residing in her husband's house and her family members have entered a Registered Partition Deed on 31.12.2008 by excluding the plaintiff. The family members have not disclosed about the Registered Partition Deed and Sale Deeds to the plaintiff and they have assured her to give her legitimate share till the plaintiff came to know about the registered transactions. For these reasons, the

plaintiff has filed the suit for Partition and she seeks Exparte Temporary Injunction against the defendants No.9, 10, 18, 19, 24 to 26 & 37 from creating third party rights over the plaint schedule properties.

The Registered Partition Deed dated 31.12.2008 contains recitals to the effect that, ಪಿತ್ರಾಜೀತ ಆಸ್ತಿಗಳು meaning the plaint schedule properties as ancestral properties and the Partition Deed was effected after coming into force of the Amended Section 6 of the Hindu Succession Act, 2005. Therefore, the I.A.No.1 of the plaintiff is allowed and the defendants No.9, 10, 18, 19, 24 to 26 & 37 are restrained from creating third party rights in respect of the plaint schedule properties till next date of hearing.

The plaintiff shall comply the Order 39 Rule 3 of C.P.C. provisions.

Office to issue certified copy of this Order only after plaintiff shows compliance report by sending plaint, I.A. copies and documents copies by R.P.A.D to the defendants No.9, 10, 18, 19, 24 to 26 & 37 and by ordinary mode to other defendants.

She shall issue summons to all the defendants by furnishing plaint, I.A. copies and all the documents.

If the plaintiff did not comply the above Order in letter and spirit, the temporary injunction Order shall not be continued.

Issue suit summons and I.A. notice to defendants and along with injunction Order by R.P.A.D to the defendants No.9, 10, 18, 19, 24 to 26 & 37 and by ordinary mode to other defendants.

R/by: **10.06.2024.**

**Prl. Senior Civil Judge & J.M.F.C.
Devanahalli.**