

27-07-2021

Pltfs. - R.K.

D1 to 13 -

■ For Orders

27-07-2021

Heard counsel for plaintiffs on an I.A. No.1 which is filed under order 39 Rule 1 and 2 of C.P.C. seeking to restrain the defendants from alienating the suit property to the 3rd parties during pendency of suit. According to them, they themselves and defendants No.1 to 12 constitute Hindu undivided joint family and suit property is the joint family property of themselves and defendants No.1 to 12. Hence they seek to effect partition of their share in the suit property which was turn down by defendants. They came to know that the defendants No.8 to 12 have entered in to agreement of sale in favour of defendant No.13 on 05-04-2021 in defiance to their share in the suit property. Therefore they seek to effect partition which was turn down by defendants. They shown apprehension of alienation of property by the defendants. 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 suit property.

Perused the plaint averments and annexed documents such as copy of Genealogical Tree, copy of sale deeds, record of right and copy of agreement of sale. The plaint averments and annexed documents indicate prima-facie case in favour of Plaintiffs at this stage. Hence 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 property to the 3rd parties till next of date hearing.

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

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 the interim order.

Call on : 25-10-2021.

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