

14-06-2022

Pltf. -

D1 to D6 - N.G.M.

■ For Orders

14-06-2022

The I.A. No.1 is filed by plaintiff under order 39 Rule 1 and 2 of C.P.C. seeking to restrain the defendants and their agents or any body acting under them from alienating the suit properties to the 3rd parties during pendency of suit. According to her, she herself and defendants constitute Hindu undivided joint family and suit properties are joint family properties of herself and defendants. The request made by her to effect Partition and Separate Possession has been turn down by defendants. Meanwhile the defendants are trying to alienated the property. Hence she approached this court.

The plaintiff shown apprehension of alienation of property by the defendants. Hence she 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 properties.

Perused the plaint averments and annexed documents such as Genealogical Tree, copy of Record of Rights and copy of Assessment extract. The plaint averments and annexed documents indicate prima-facie case in favour of Plaintiff at this stage. Hence in order to protect the interest of both the parties over suit property, 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 3rd parties till next of date hearing.

The plaintiff 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 against defendants.

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 the interim order.

Call on : 06-09-2022.

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