

13-10-2020

Pltf. - D.N.J.

D1 to 6 -

■ For Orders

13-10-2020

This is the suit for Partition.

I.A. No. II is filed U/O.39 Rule 1 and 2 of C.P.C. seeking temporary injunction against the defendants No.1 and 3, restraining them from alienating the item No.2 to 6 of the suit schedule properties pending disposal of the suit.

I.A. No. III is filed U/o. 39 Rule 1 and 2 of C.P.C. seeking temporary injunction against the defendants No.1 and 3, restraining them from receiving the award amount from defendant No.6 occurred on item No.1 and 7 of the suit schedule properties.

Heard the counsel for the plaintiff and perused the plaint, I.A.No.II and III, affidavit and suit documents.

On perusal of the records, it appears that the plaintiff has made out prima-facie case that the defendants No.1 and 3 are trying to alienate the item No.2 to 6 of the suit schedule properties and trying to receive the award amount from defendant No.6 occurred on item No. 1 and 7 of the suit schedule properties. Hence, the plaintiff has made out prima-facie case at this stage, to grant ex-parte ad-interim order of temporary injunction against the defendants No.1 and 3, restraining them from alienating the item No.2 to 6 of the suit schedule properties and to grant ex-parte ad-interim order of temporary injunction against the defendants No.1 and 3, restraining them from receiving the award amount from defendant No.6 occurred on item No. 1 and 7 of the suit schedule properties in any manner till next date of hearing, otherwise, it leads to multiplicity of proceedings and very purpose of the filing of this suit will be defeated. Accordingly, the following;

ORDER

As per I.A.No.II issue an ex-parte ad-interim order of temporary injunction against the defendants No.1 and 3, restraining them from alienating the item No.2 to 6 of the suit schedule properties and as per I.A. No. III issue an ex-parte ad-interim order of temporary injunction against the defendants No.1 and 3, restraining them from receiving the award amount from defendant No.6 occurred on item No. 1 and 7 of the suit schedule properties in any manner till next date of hearing.

The plaintiffs to comply Order 39 Rule 3 of C.P.C. forthwith with respect of I.A. No. II and III only.

Issue temporary injunction notice of I.A.No.II and III to defendants No.1 and 3 and suit summons to all the defendants.

It is made it clear that, if the office found deficit process fee or plaint copies, same shall be complied within three days, or else the interim order will be cancelled automatically.

Returnable by: **23-11-2020.**

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