

21-11-2020

Pltfs. - S.R.N.

D.1 to 12 -

■ For Orders

21-11-2020

Heard counsel for plaintiffs on an I.A. No.1 & 2 which are filed under order 39 Rule 1 and 2 of C.P.C. seeking to restrain the defendants from alienating the suit properties to the 3rd parties during pendency of suit. According to them, they themselves and defendants No.1 to 11 constitute joint family and suit properties are the joint family properties of themselves and defendants No.1 to 11. They seek to effect partition of schedule property which has been refused by the defendants. Hence they filed this suit.

They shown apprehension of alienation of property by the defendants. Hence they filed two I.A.s at I.A. No.1 & 2 seeking to injunct them from alienating the properties. I.A. No.1 is filed against defendant No.1 to 11 seeking to restrain them from alienating suit item No.1 & 4 property. Similarly the I.A. No.2 is filed seeking injunction against defendant No.12 restraining him from alienating suit item No.2 & 3 property.

O.S.NO.961/2020

Heard and perused the plaint averments and annexed documents, such as copy of Genealogical Tree, copy of mutation and copy of record of rights and copy of sale deeds and copy of death certificate.

Having noticed the said documents, I am of the opinion that the Plaintiffs have made out ground to issue exparte injunction. Therefore in order 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 :

EXPARTE ORDER ON I.A. NO.1 & 2

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. on both the I.A.s. Issue suit summons to defendants through R.P.A.D. and through court along with interim order passed on I.A. No.1 & 2.

Call on : 07-01-2021.

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