

O.S.NO.1101/2021

23-12-2021

Pltfs. - N.M.M.

D1 to 15 -

■ For Orders

23-12-2021

The learned counsel for plaintiffs filed memo seeking to withdraw the I.A.No.2 filed Under order 39 Rule 1 & 2 of C.P.C. The said memo is taken on record and I.A.No.2 is rejected as withdrawn. He filed fresh I.A. Under order 39 Rule 1 & 2 of C.P.C. seeking to restrain the defendants No.1 to 13 from alienating suit item No.1, 3 to 5 properties during pendency of suit to the 3rd parties. The said I.A. is registered at I.A.No.3.

O.S.NO.1101/2021

Heard counsel for plaintiffs on an I.A.No.3 which is filed under order 39 Rule 1 and 2 of C.P.C. seeking to restrain the defendants No.1 to 13 from alienating the suit property No.1, 3 to 5 to the 3rd parties during pendency of suit. According to them, they themselves and defendants No.1 to 13 are the tenants in common to the suit properties. The defendants No.1, 2, 4 to 13 conveyed suit item No.2 property in favour of defendants No.14 & 15. Similarly the defendant No.1 executed Gift Deed in favour of defendant No.13. Therefore they were perforce to file this suit.

They shown apprehension of alienation of suit item No.1, 3 to 5 properties by the defendants No.1 to 13. Hence they filed I.A.No.3 under order 39 Rule 1 & 2 of C.P.C seeking to restrain the defendants No.1 to 13 and their agents or anybody acting under them from alienating the said suit item No.1, 3 to 5.

Perused the plaint averments and annexed documents such as Genealogical tree, Copy of Sale Deed, Record of Right, Copy of Gift Deed. 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 :

O.S.NO.1101/2021

ORDER

The defendants No.1 to 13 and their agents or anybody acting under them are hereby temporarily restrained from alienating the suit item No.1, 3 to 5 property to the 3rd parties till next of date hearing.

The plaintiffs shall comply order 39 Rule 3 A of C.P.C. in respect of I.A.No.3. Issue suit summons to defendants through R.P.A.D. and through court along with interim order passed on I.A. No.3 against defendants No.1 to 13.

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 : 19-03-2022.

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