

Dated 27-09-2019.

O.S.No.517-2015

The advocate for plaintiff pressed to pass emergent order on I.A.No.XIII on the ground that the defendant No.16 is hurriedly attempting to cut and remove the standing trees situated in Item No.5 property.

The counsel for defendant No.16 submitted that the suit schedule Item No.5 property is already alienated by one Sri.Muddappa i.e., brother of plaintiff under registered sale deed dated 30-04-1990 in favour of father of defendant No.16 for legal necessity. Therefore the suit is hit by Section 6 of the Hindu Succession Amendment Act, 2005 and plaint requires to be rejected as not maintainable and as such the plaintiff is not entitled to get temporary injunction against the defendant No.16.

The rival claims of the parties to the suit requires to be adjudicated on the basis of the documentary evidence placed by them on record but at this stage of the suit no such documents are available and even if the defendant No.16 has produced some documents for not filing application under order 7 Rule 11 of CPC for rejection of plaint the necessary order cannot be passed at this stage. Therefore, for hearing on the matter in detail it requires some time. Since today is the last working day of Civil Courts due to commencement of Dasara vacation from tomorrow, till 09-10-2019, in order to avoid any loss or damage to the rights of the parties during Dasara Vacation the following emergent order is required to be passed till next date of hearing to protect the

interest of the parties, pending disposal of I.A.No.XIII. Hence, following;

ORDER

Both parties to the suit are directed to maintain status quo ante till next date of hearing and not cause any damage to the suit trees standing in the Item No.5 of the suit property till next date of hearing.

Senior Civil Judge,
Doddaballapur.

Call on 14-10-2019.