

Orders on IA No.2 U/Sec.39 Rule 1 and 2 r/w Sec.151 of CPC.

The plaintiff has filed this suit for Declaration against the defendants.

2. IA No.2 is filed by the plaintiff U/O 39 Rule 1 and 2 r/w Sec.151 of CPC seeking ad-interim exparte order of temporary injunction by restraining the defendant No.2 to 5, not to dispense the amount infavour of defendant No.1, with regard to the death benefit of deceased R. Hanumanthappa in the suit schedule policies till the disposal of the suit.

3. In the affidavit annexed to IA No.1, it is stated that, the plaintiff filed the suit for declaration against the defendants. She produced endorsement issued by the Executive Engineer, BESCOM Hiriya dated 28.07.2023, Two RTI applications dated 29.11.2023, endorsement issued by the Executive Engineer, BESCOM Hiriya dated 08.01.2024, Legal Notice dated 25.08.2023, Reply Notice dated 18.12.2023, Xerox copy of endorsement dated 19.12.2023, G-Tree dated 14.08.2023, Xerox copy of death certificate dated 10.07.2023, Xerox copy of Aadhar Card in the name of plaintiff, Xerox copy of Adhar Card in the name of R. Hanumanthappa, 07 Postal Receipts and 07 Postal Acknowledgments.

4. Heard and perused the materials on records.

5. Upon perusal of the pleadings and documents, it appears that the plaintiff has made out grounds for passing an ex parte order of temporary injunction. If the injunction is not granted the object of filing the application would be defeated by delay.

6. Hence, at this stage without going on merits this Court proceeds to consider the IA No.2 and it is necessary to pass suitable order to meet the ends of justice. Hence, I proceed to pass the following:-

: ORDER :

Pending disposal of IA No.2 filed by the plaintiff U/O 39 Rule 1 and 2 r/w Sec.151 of CPC, the defendant No.2 to 5 is hereby restrained by the order of ex parte temporary injunction from not to dispend the amount in favour of defendant No.1, with regard to the death benefit of deceased R. Hanumanthappa in the suit schedule policies till next date of hearing.

The plaintiff shall comply Order 39 Rule 3 of CPC.

Office is directed to issue exparte temporary injunction order, only after compliance of Order 39 Rule 3 of CPC.

Issue S/S and notice on IA No.2 to defendants, if PF and copy furnished.

(Hema H.R.)
Addl. Civil Judge & JMFC.,
Challakere.