

Case called out.
Plaintiffs are absent.
Heard L/c for plaintiffs on IA No. 1.
For orders on IA No.1.

ORDERS ON IA NO. I

Case called out.

As per office note there is no caveat petition is pending.

Plaintiff called out absent. Heard the Learned counsel Sri VCV/GER for the plaintiffs on IA No.I, perused plaint averments, IA, affidavit and documents. The plaintiffs have filed this suit against the defendants seeking partition and separate possession and permanent injunction with respect to the suit schedule properties.

I.A.No.I is filed under the provisions of Order 39 Rule 1 and 2 of CPC, seeking ad-interim exparte temporary injunction.

On considering and assessing the plaint averments, IA, affidavit and documents placed on records, at this stage of the litigation this court is of the considered view that the plaintiffs have made out prima-facie case. Therefore it is just and necessary to pass an exparte an order on IA No. I by dispensing the issuance of notice on IA No. I to the defendants. Otherwise the very purpose of filing of this suit and IA No. I would be defeated. Hence, I proceed to pass the following:

Date : 21/08/2024

O.S.No. 329/2024

ORDER

Defendants are hereby restrained from alienating suit schedule properties in any manner, till filing of the written statement.

The Plaintiffs' side arguments on this IA shall be concluded within 30 days from the closer of the stage of written statement. Otherwise this order will be cancelled automatically. Hence the plaintiffs are directed to comply the mandatory provisions of order 39 Rule 3A of CPC.

The plaintiffs are directed to comply the mandatory provisions of order 39 Rule 3(a) of CPC.

Issue notice of IA No.I, TI order and suit summons to defendants after compliance.

R/by: 05/09/2024

Prl. Civil Judge and JMFC,
Holalkere.