

Orders on I.A.No.II

The Plaintiffs have filed this suit against the defendants for the relief of declaration and permanent injunction in respect of the suit schedule Property.

The Plaintiffs have filed I.A.-No.II Under Order 39 Rule 1 and 2 of C.P.C. with a prayer to pass an ad-interim ex-parte order of Temporary Injunction thereby restraining the Defendant No.2 from alienating the suit schedule property.

Perused the plaint, I.A. No.II and affidavit, documents produced along with the plaint. On careful verification of the same, this court is of the view that, if the notice of I.A. No.II is ordered to be issued before granting an ex-parte order of temporary injunction, the purpose of filing I.A. No.II would be defeated by delay in service of notice. The question of right of the plaintiffs is kept open. Hence, this court has accepted the reasons stated in the affidavit that the Plaintiffs have made out grounds at this stage for grant of ad-interim ex-parte order of Temporary Injunction, by dispensing with issuance of notice as contemplated under order 39 Rule 3 of CPC. Accordingly, I proceed to pass the following.

ORDER

The Defendant No.2 is hereby restrained from alienating the suit schedule property in any manner whatsoever as set out in I.A. No.II, until further orders of this court.

Issue Ex-parte order of Temporary Injunction against the Defendant No.2.

The plaintiffs shall comply with provisions of Order 39 Rule 3(a) of C.P.C forthwith.

Issue notice of I.A. No.II to defendant No.2 as well as suit summons to both the defendants as per PF Memo.

**(Prasanna Kumar C.)
Prl.Civil Judge & J.M.F.C.,
Hosadurga**

: ORDERS ON I.A.NO.I :

I have perused the plaint, I.A.No.I and accompanying affidavit and the documents produced by the Plaintiffs in support of their case.

On going through the instant application, this court is of the opinion that before passing any Orders on I.A.No.I, it is just and necessary to hear other side. As such, notice has to be issued to the Defendants as contemplated U/o XXXIX Rule 3 of CPC.

Therefore, issue Emergent Notice of I.A. No.I as well as Suit Summons to the Defendants.

Returnable by: **12.08.2024**

**(Prasanna Kumar C.)
Prl.Civil Judge & J.M.F.C.,
Hosadurga**