

Heard Sri. H.S.R., Advocate for plaintiff on IA No.I.

2. Perused the plaint averments and averments made in the IA No.I. The plaintiff has filed the suit against the defendant for declare that plaintiff is the absolute owner of the suit schedule properties and for possession of 'A' and 'B' schedule properties and declare will deed dated 23/11/2012 is null and void and not binding on plaintiff and also will deed 2001-02 is null and void.

IA No.1 U/o 39 Rule 1 and 2 of CPC to grant temporary injunction in favour of the plaintiff and against the defendant restraining the defendant, her men or any other persons claiming through her from alienating the suit schedule properties or creating any encumbrance by executing sale deed, sale agreement, lease agreement, rent, will, gift or mortgage to any other persons in

any way alienating the schedule properties till the disposal of the suit.

3. On the basis of the documents filed along with the plaint, I am of the opinion that ordering notice to the defendant would delay proceedings and results in the suit become infructuous in the event of the defendant sell the suit schedule properties or creating any encumbrance lease, executing any deed with respect to the suit schedule properties which will also lead to multiplicity of proceedings. In the light of the apprehension of the plaintiff that the defendant is making attempt to sell or alienate the application schedule properties and hence preserving the said properties in the same state is necessary otherwise the plaintiffs will be put to untold hardship. Hence, I proceed to pass the following.

ORDER

Issue ad-interim exparte order of temporary injunction, restraining the defendants from selling or alienating the application schedule properties till next date of hearing

Issue emergent notice on I.A. No.I along with suit summons to the defendant after proper compliance by the Plaintiffs under order 39 Rule 3(a) of CPC. Call on 03/10/2023.

Senior Civil Judge & JMFC.,
Mudigere.