

ORDER ON IA No.1 AND 2

Heard, learned counsel for the plaintiff and perused the material on record.

Learned counsel for the plaintiff would argue that plaintiff is the mother of deceased Shivakumar and defendant No.1 is the wife of said Shivakumar. That plaintiff and defendant No.1 alone are the legal heirs to the deceased. But, however, defendant No.1 has got entered her name to the suit properties and has alienated item No.2 to 4 properties of the suit schedule. That Shivakumar received the suit properties under a registered partition deed. That plaintiff is also entitled to a share in the suit properties being the class-I heir of deceased. That now defendants are attempting to alienate the suit properties and hence, it was prayed that the application be allowed. Further, it was argued that the purchasers that is defendant No.2 and 3 are attempting to put up construction in the purchased properties. Hence, it was prayed that even IA No.2 be allowed.

Heard, perused the material on record. Perused the affidavit sworn to by plaintiff in support of the application. Perused the documents produced by the plaintiff along with the plaint. The plaintiff has produced the copy of the partition deed, death extract of said K.B. Shivakumar. The sale deeds and property extracts in respect of the suit properties. Therefore, at this stage in respect of IA No.1 the plaintiff has made out a

prima-facie case in her favor. It is necessary to protect the nature of the suit properties.

As regards IA No.II, though from the photographs it appears defendant No.2 and 3 have put up a Tin sheet boundary around the suit properties, no attempt for construction is visible. Therefore, as regards IA No. II it is necessary to hear defendant No.2 and 3 before passing any interim order.

Hence, prior notice in respect of IA No.I is dispensed with and I proceed to pass the following:

ORDER

Issue Ex-parte temporary injunction order restraining the defendants from alienating the suit properties in any manner as prayed in IA No.I, till next date of adjournment.

Issue emergent notice on IA No.1 and 2 and suit summons to defendants.

Plaintiff to comply the order.

No certified copy of the order shall be issued unless the order is complied with.

R/b: 27.09.2024

(Smt. Padmashri A.Munnoli)
Senior Civil Judge and
J.M.F.C., Harihara.