

4/11/2022

This suit is filed by the plaintiffs seeking partition and separate possession. The plaintiffs have claimed each 1/5th share in the suit schedule properties. The learned counsel for the plaintiffs has vehemently argued that the suit properties are the joint family properties, are liable for partition.

Perused the records and pleadings and at this stage, prima facie case is made out. Temporary injunction claimed in I.A. is not to alienate or make any charge over the suit schedule properties pending disposal of the suit. If ex parte order of temporary injunction is not granted, the very purpose of the suit may get defeated by reason of delay, in case the purchaser put forth the plea of bonafide purchaser for consideration. Therefore this is a fit case to dispense with mandatory prior notice under Order 39 rule 3 of C.P.C. Hence, the following;

ORDER

The defendants or the persons acting on their behalf are restrained from alienating/making any charge over the suit schedule properties till the next date of hearing, by way of ad-interim ex parte order of T.I.

The plaintiff is directed to comply with Order 39 Rule 3 of C.P.C.

Issue ex parte T.I. order if the above order is complied.

Issue notice on I.A. filed under Order 39 rules 1 and 2 of C.P.C. against the defendants and suit summons to the defendants returnable by

I Addl.Senior C.J. & J.M.F.C.Hubballi.