

OS 195/2021

Case called out. Heard arguments on I.A. No.1 by the counsel for the plaintiff through V.C., Hence, posted for orders.

ORDERS ON I.A NO.1

Instant suit has been filed by the plaintiff against the defendants for the relief of Partition and Separate Possession.

The Plaintiff has filed I.A. No. 1 under Order 39 Rule 1 & 2 CPC praying for an order of temporary injunction against the defendant No.2 and 4 not to alienate and create any charge over the suit schedule properties bearing R.S. No.156/4B measuring 02 acres 11 guntas and R.S. No.224/3 measuring 04 acres 25 guntas situated at Kuradagi village in Ron Taluka till the disposal of the suit.

Heard the arguments on I.A No.1 and perused the documents produced by the plaintiff annexed to the plaint.

On perusal of the documents, it prima-facie appears that the plaintiff is having right over the suit schedule properties. The plaintiff has produced the property extracts of the suit properties and other documents. By virtue of pleadings and documents produced by the plaintiff, this Court observes that the plaintiff may have right in the suit schedule properties

Hence, the plaintiff has made out prima-facie case at this stage to grant ad-interim ex-parte temporary injunction against the defendant No.2 and 4.

Hence, this court proceeds to pass the following:

ORDER

Issue Exparte Temporary Injunction Order against the defendant No.2 and 4 restraining them from not to alienate and create any kind of charge over the suit schedule properties bearing R.S. No.156/4B measuring 02 acres 11 guntas and R.S. No.224/3 measuring 04 acres 25 guntas situated at Kuradagi village in Ron Taluka as sought in the I.A. No. 1 till next date of hearing.

The plaintiff shall comply with order 39 Rule 3(a) of CPC. Issue T. I. Order notice and notice of IA No. 1 to the def. No. 2 and 4 and issue suit summons to all the defendants. Office is directed to issue C/C of this order only on the compliance of Order 39 Rule 3(a) of the CPC by the plaintiff.

Call on : 02-09-2021

Addl. C. J.& JMFC., Ron