

ORDERS ON I.A. NO. I

Plaintiff has filed present application under Order XXXIX Rule 3 of Code of Civil Procedure, 1908 seeking to dispense issuance of notice on I.A.No.II to defendant.

Heard the learned Counsel for Plaintiff. Perused the documents on record.

It is the contention of Plaintiff that defendant is trying to alienate the suit property and prays to dispense issuance of notice on I.A.No.II.

On going through the reasons assigned this Court opinions that delay may defeat the very purpose of filing the present suit. Satisfied. Hence, this Court proceeds to following

ORDERS

I.A. No. I filed by Plaintiff under Order XXXIX Rule 3 of Code of Civil procedure, 1908 seeking to dispense issuance of notice to Defendant on I.A.No.II is allowed.

ORDERS ON I.A.No.II

Plaintiff filed I.A.No.II under order XXXIX rule 1 and 2 of Code of Civil Procedure seeking to restrain Defendant or any person acting on his behalf from interfering with possession and trying to alienate the property till disposal of the suit.

Heard, learned counsel for Plaintiff . Present suit is filed for declaration and injunction.

In the affidavit annexed to IA No.II plaintiff states that defendant has executed registered sale agreement in favour of father of plaintiff for sale consideration of Rs.200/- and received part of sale consideration amount of Rs.100/- and possession delivered to father of plaintiff on the date of agreement and defendant is agreed to execute registered sale deed after 5 years. But defendant failed to execute the sale deed even after 5 years. But plaintiff has been in continuous possession since 1974. But now

defendant is interfering with possession and trying to alienate the property. Hence plaintiff has filed a suit for declaration and permanent injunction and also seek temporary ex parte injunction U/o 39 Rule 1 and 2.

Heard. Perused the plaint and documents produced by the plaintiff. The plaintiff has produced the registered sale agreement dated 26-10-1974 and EC which reveals that plaintiff is in possession and enjoyment of the suit schedule property from the date of agreement which made out the prima-facie. But on perusal of the RTC which shows that though the plaintiff is in possession the RTC are stands in the name of the defendant which made them to interfere in the possession of the plaintiff and make them to alienate the schedule property. If the ex parte TI is not granted the very purpose of the application will not be served. Accordingly, this court proceeds to pass the following;

ORDER

I.A. No.II filed by Plaintiff under Order XXXIX Rule 1 and 2 of Code of Civil procedure, 1908 is allowed.

Exparte ad-interim temporary injunction is hereby granted restraining defendant and his agent, servants or anybody acting on his behalf from interfering with peaceful possession and from alienating the suit schedule property till next date of hearing.

Plaintiff is hereby directed to comply in accordance with Order XXXIX Rule 3(a) of Code of Civil Procedure.

The Plaintiff shall comply the requirements under Order XXXIX Rule 3 (a) & (b) of Code of Civil Procedure and shall report such compliance in the office. Office to issue the copy of this order to Plaintiff only on such compliance.

Issue notice on I.A.No.II and suit summons to Defendant.

Issue ad-interim Ex-parte temporary injunction to Defendant

and suit summons to Defendant
R/by 15-10-2025.

II Addl. Civil Judge & JMFC.,
Arakalgud.

In the Court of Civil Judge and J.M.F.C., Arakalagud.

O.S.No.442/2024

Plaintiff : B.N. Suma

Vs

Defendants : Susheelamma and others