

IN THE COURT OF CIVIL JUDGE AND JMFC.,
ARKALGUD

O.S.No:124/2020

Plaintiffs : Y.B.Chandra & another
V/s

Defendants : Shivanna & others.

ORDERS ON I.A.NO.II U/O 39
Rule 1 and 2.

This application filed by the applicant/plaintiff u/o 39 rule 1 and 2 against the defendant No.1 and 7 and prays for restrain the defendants from the alienating of the suit schedule property.

Along with the this application applicant/plaintiff No.1 stating that the suit filed for partition and separate possession suit schedule properties ancestral joint properties. The 1st defendant is Manager of the family. The 1st defendant and 7th defendant are colluding with each other and trying to dispossess the properties against the plaintiff's interest and also defendants deny the share of the plaintiffs. In the molafied

intention defendant No.1 and 7 are trying to alienate the suit schedule property and hence prays for the allow the application and restrain the defendant from alienating of the suit schedule properties.

The counsel for defendant No.1 and 7 filed a undertaking Memo stating that defendant have not intend to alienate the property and also they have no objection to allow the I.A.No.II. Further prays for restraining the plaintiffs also alienating of the suit properties.

Heard perused.

In this case plaintiff filed a suit for partition and separate possession. The relationship of the parties and nature of the properties are not disputed. In the nature of the partition suits parties have entitled for equitable relief and interest over the suit schedule properties. The allegation is plaintiff is the defendant N.1 and 7 are trying to alienate properties but defendant filed a undertaking Memo denied the same .

At the same time the apprehension of the defendants have that plaintiffs have also trying to alienate the suit schedule properties which have standing

their name. At the stage of the pending of the suit parties have succeed to alienate the properties it is nothing but a arising of the multiplicity of the proceedings. In the stage these application is allowed, the parties could not caused any hardship for in justice at the same time this application is not allowed. There is chance for alienate the properties. Hence I pass the following:

ORDER

I.A.No.II u/o 39 rule 1 and 2 is allowed. The parties of the suit is hereby restrain from the alienating the suit properties till the disposal of the suit.

Re issue S/S to D2 and D4 if PF paid.

For W/S of D1 and D7

Call on 30.11.2020.

Civil Judge & JMFC.,
Arkalgud.