

Order on I.A.No.II

The Plaintiff has filed this suit for the relief of declaration and Partition and Separate Possession against the defendants in respect of the suit schedule Properties.

The Plaintiff has filed I.A.-No.II Under Order 39 Rule 1 and 2 of C.P.C. with a prayer to pass an ad-interim ex-parte order of Temporary Injunction thereby restraining the Defendant no.3 from alienating the suit schedule properties, till disposal of this Suit.

Perused the plaint, I.A. No.II and affidavit, documents produced along with the plaint. On careful verification of the same, this court is of the view that, if the notice of I.A. No.II is ordered to be issued before granting an exparte order of temporary injunction, the purpose of filing I.A. No.II would be defeated by delay in service of notice. The question of right of the plaintiff is kept open. Hence, this court has accepted the reasons stated in the affidavit that the Plaintiff has made out grounds at this stage for grant of ad-interim ex-parte order of Temporary Injunction, by dispensing with issuance of notice as contemplated under order 39 Rule 3 of CPC. Accordingly, I pass the following.

ORDER

The Defendant No.3 is hereby restrained from alienating the Suit Schedule Properties as set out

in I.A. No.II, in any manner, until further orders of this court.

Issue Ex-parte order of Temporary Injunction against the Defendant No.3.

The plaintiff shall comply with provisions of Order 39 Rule 3(a) of C.P.C forthwith.

Issue notice of I.A. No.II to defendant No.3 as well as suit summons against all the Defendants as per PF Memo.

Returnable by 06.12.2022

(Prasanna Kumar C.)
Civil Judge & JMFC, Belur.