

OS 103 of 2024 dated 06.03.2024

The present suit has been filed by the Plaintiffs seeking a decree for partition and separate possession along with an application to restrain the Defendants from alienating, encumbering or creating third party rights in respect of the suit properties pending disposal of the above suit.

Having heard the counsel for the Plaintiffs and perusing the documents viz genealogical tree, the RTC extracts and mutation extract, the Court is of the opinion that in the event this Court were not to grant an order of temporary injunction without first issuing notice to the Defendants as contemplated under Order 39 Rule 3 CPC and if the Defendants were to alienate, encumber or create third party rights in respect of the suit properties by the next date of hearing, it may result in multiplicity of proceedings and prejudice the Plaintiffs. Hence I pass the following:

ORDER

The Defendants are restrained from alienating, encumbering or creating third party rights in respect of the suit properties till the next date of hearing.

Issue Suit summons to the Defendants and emergent notice on I.A II returnable by 05.04.2024

Office to issue a copy of the order if only the Plaintiff comply with Order 39 Rule 3 CPC

Call on 05.04.2024

CIVIL JUDGE, HOLENARSIPURA

