

OS 149 OF 2022

The present suit has been filed by the plaintiff seeking a decree for partition of her share in the suit properties; for a declaration that the judgment in OS 50 of 2021 is not binding on her along with an application to restrain the defendants from alienating, encumbering or creating third party rights in respect of the suit property pending disposal of the above suit.

Having heard the counsel for the plaintiffs and perusing the documents viz the RTC extracts, genealogical tree, death certificate of the husband of the present plaintiff and the compromise petition in OS 50 of 2021 I am 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.

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 1 returnable by 5.7.2022

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

Call on 5.7.2022

CIVIL JUDGE AND JMFC
HOLENARSIPURA