

OS 505 of 2023 dated 02.12.2023

The present suit has been filed by the Plaintiff seeking a decree for partition and separate possession along with an application to restrain the Defendant No.1 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 Plaintiff and perusing the documents viz the Genealogical tree, RTC extract, Mutation extracts, Demand register, Death certificate, 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 Defendant No.1 as contemplated under Order 39 Rule 3 CPC and if the Defendant No.1 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 Plaintiff. Hence I pass the following:

ORDER

The Defendant No.1 is 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 03.01.2024

Office to issue a copy of the order if only the Plaintiff

comply with Order 39 Rule 3 CPC

Call on 03.01.2024.

CIVIL JUDGE, HOLENARSIPURA