

The present suit has been filed by the Plaintiff 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 property pending disposal of the above suit.

Having heard the counsel for the Plaintiff and perusing the documents viz the khatha extract, title deed, Genealogical tree, 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 property by the next date of hearing, it may result in multiplicity of proceedings and prejudice the Plaintiff. Hence I pass the following:

ORDER

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

Issue Suit summons to the Defendants and emergent notice on I.A II returnable by 12.01.2024

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

It is necessary to hear the other side before orders on IA No.III. Call on 12.01.2024 to hear on IA No.III.

CIVIL JUDGE, HOLENARSIPURA