

ORDERS ON I.A. NO.II

The plaintiff has filed the present suit for the relief of partition and separate possession in respect of the suit schedule property against the defendants. She has also filed the present application seeking to restrain the defendants from alienating or creating any encumbrance over the suit schedule property till disposal of the suit.

Heard the counsel for the plaintiff and perused the documents.

On perusal of the documents in respect of the suit schedule property, at this stage it appears on prima-facie that the house property has fallen in the name of defendant No.1 by way of inheritance. The plaintiff has contended that she and defendant No.2 are the children of defendant No.1.

At the time of the arguments, the learned counsel for the plaintiffs has argued that the defendants are trying to alienate the said properties. Hence, on prima-facie it appears that the plaintiffs have made out prima-facie case and balance of convenience lies in their favour. Therefore, this

court opines that ordering notice to the opponents would delay the proceedings and results in the suit becoming infructuous and if the application is not allowed the plaintiffs will be put to hardship and inconvenience and if ex-parte temporary injunction is not granted the very purpose of the suit will be defeated. Hence, I proceed to pass following;

ORDER

The Defendants their agents, servants or anybody acting on behalf of them are hereby restrained from alienating or creating any encumbrance over the suit schedule property till next date of hearing.

The plaintiff is hereby directed to comply order 39 Rule 3 of CPC.

Office is hereby directed to issue S/S. Notice on I.A.No.II, order of ex-parte injunction after compliance. Issue S/S to defendants.

Call on 01-07-2026.

Prl. Civil Judge & JMFC.,
Sakaleshpura.

ORDERS ON I.A.NO.III

The plaintiff has filed this application to restrain defendant No.6 or his men, from carrying out any sort of construction work in suit schedule item No.1 property till disposal of the suit. It appears on prima-facie that the defendants have sold the said property in favour of defendant No.6. By looking into nature of suit, this court is of the opinion that before passing any orders on I.A.No.III, notice has to be issue to the defendants as contemplated U/o XXXIX Rule 3 of CPC.

Issue s/s and emergent notice on I.A.No.III to the defendants if P.F. is paid.

R/by : 15.07.2024.

Addl. Civil Judge & JMFC.,
Sakaleshpura.