

Perused the office note and it reveals that there is no caveat petition pending in respect of this suit.

Heard learned counsel for the plaintiff. Perused the plaint, documents produced along with plaint and I.A.No.I. Plaintiff has filed the suit for Partition and Separate possession of their legitimate share in the suit schedule properties. It is further averred in the plaint that the suit schedule properties are joint family properties of Plaintiff and Defendants. Plaintiff has produced record of rights-RTC in respect of suit properties and certified copy of sale deed executed in favour of defendants other relevant documents in support of her claim. It is the apprehension of the plaintiff that the defendants by taking disadvantage of continuation of their names in revenue records pertaining to the suit properties, may alienate the same.

Heard learned counsel for the plaintiff. Perused the plaint, documents produced along with plaint. Plaintiff has also filed I.A No.I U/o 39 Rule 1 and 2 of CPC seeking temporary injunction restraining the defendants from alienating the suit properties in any manner. On perusal of the above stated material, at this juncture the plaintiff has made out a triable case. Whether ultimately, the plaintiff is entitled to get the reliefs sought for is a question to be adjudged after completion of

the full-pledged trial. Meanwhile, if the defendants are able to alienate the suit schedule properties, it amounts to multiplicity of proceedings and it requires some time to undo the same. It is too premature to suspect the bonafides of the plaintiff. Hence considering all these aspects, at this stage the plaintiff has made out prima facie case. If the notice is ordered to be issued, it causes the delay and defeats the very purpose of filing of the suit. Therefore issuance of notice to defendants as required U/o 39 Rule 3 of CPC is hereby dispensed with. Even though some of the suit schedule properties are the agricultural lands, the relief sought in IA No.I has no nexus with the agrarian activities. Therefore, the bar contained U/s 4 of Karnataka Land Reforms (Amendment) Act is not applicable. The plaintiff is entitled for ex-parte ad-interim injunction. Hence, I proceed to pass the following:

ORDER

Defendants are hereby restrained from alienating the suit schedule properties in any manner till next date of hearing.

Issue suit summons to defendants.
Issue notice of IA NO.I and TI order to all the defendants through emergent process.

Plaintiff is directed to comply the provisions of Order 39 Rule 3 of CPC.

O.S. No: 17/2020

Plaintiff is directed to pay requisite process fee and to furnish sufficient copies of plaint, IA No.I and documents produced along with the plaint within 05-00 PM today failing which this order automatically stands cancelled without any formal order to that effect.

Office is directed not to furnish the certified copy of this order unless requisite process fee is paid and due compliance is made.

Call on: 03.03.2020.

Addl. Senior Civil Judge,
Haveri.

O.S. No: 17/2020