

KAHV310004842022



Presented on : 16-04-2022
Registered on : 16-04-2022
Decided on : --
Duration :

The plaintiff has filed the present suit against the defendants by seeking the relief of partition and separate possession of his share in the suit schedule properties.

The plaintiff has maintained I.A.No.I U/o. 39 Rule 1 and 2 of C.P.C., by seeking to restrain the defendants from alienation of suit schedule properties by way of ad-interim ex-parte temporary injunction till the disposal of the suit.

I have perused the I.A.No.I, its accompanying affidavit, plaint and other document relied upon by the plaintiff at this stage. On perusal of the same, the considered opinion of this court is that before passing any orders on I.A.No.I, notice of it shall be directed to the defendants as contemplated U/o. 39

Rule 3(1) of CPC. In other words, there is lack of prima faice case, balance of convenience not lies in favour of plaintiff and no irreparable loss or injury cause to him if exparte TI is refused. Accordingly, the following:-

ORDER

Issue suit summons and emergent notice on I.A.No.I to the defendants if sufficient PF is paid.

Returnable by : 23-06-2022.

Civil Judge & JMFC.,
Hangal.

