

The plaintiff has filed present suit against the defendants No.1 to 4 for the relief of partition and separate possession of their 1/10th share each in the suit schedule properties by metes and bounds.

The counsel for the plaintiff has also filed I.A. No.I under order 39 Rule 1 and 2 R/w 151 of CPC seeking to restrain the defendants No.1 to 3 from transfer, sell or create charge, not to change the khata of the suit schedule property and construct the building thereon by way of ad-interim ex-parte temporary injunction till the disposal of the suit.

I have perused the IA No.1, accompanying affidavits, plaint and other documents relied upon by the plaintiffs. On perusal of the same, the considered opinion of this court is that, before passing ex-part order on IA No.1, notice of the same as contemplated under order 39 Rule 3 to be directed to the defendants No.1 to 3. Even otherwise, if the injunction is not granted, no loss or injury will be caused to plaintiff at this stage. Accordingly this court is proceed to pass the following:-

ORDER

In view of Covid-19, issue suit summons to the defendants and emergent notice on I.A No.1 to the defendants No.1 to 3 through R.P.A.D., if sufficient PF and postage is furnished.

Returnable by: 29-08-2020.

Addl. Civil Judge & JMFC.,
Hirekerur.