

C/o parties absent, counsel for the plaintiff present, Heard, on IA.

EX PARTE ORDERS ON IA NO. I U/O 39
R 1 AND 2 CPC :

This IA filed by the Plaintiff U/o 39 R 1 and 2 CPC seeking for the ex parte temporary injunction to restrain the Defendants No. 1 to 3 in respect of properties from changing the Khata in their names pending disposal of the suit.

I have heard, counsel for the plaintiff, perused the materials placed on record.

The Plaintiffs have filed this suit for partition and for separate possession in respect of the suit schedule properties against the Defendants.

The plaintiff and defendants No.1 to 3 are the heirs of the propositus deceased Veerappa Hemappa Bellad, the suit schedule properties are standing in the name of propositus, but it is alleged that the defendant No.1 to 3 are making all the efforts to get their name entered in the Panchayat records in respect of the suit schedule properties by denying the right of plaintiff to get his share, it is submitted that in that regard, the defendant No.1 to 3 have given wardi to the Halageri Panchayat

It is stated that the suit schedule properties are ancestral

joint family properties of both plaintiffs and defendants No. 1 to 3. They are having share in the suit schedule properties.

Perused, the materials placed on record shows that ,the properties are standing in the name of Veerappa Hemappa Bellad, it prima facie shows that the plaintiff has right of plaintiff over the suit schedule properties. If defendants are allowed to get their name changed in respect of suit schedule properties, there by , the plaintiff will loose his right therein.

On perusal, It is prima facie suit properties are undivided joint family properties, defendant No. 1 to 3 knowing fully going to change their name in the Panchayat records in respect of suit schedule properties over the suit schedule properties with intent to deny the plaintiffs' legitimate share in the suit schedule properties.

After going through the materials placed on record, the plaintiffs have placed sufficient materials on record to dispense with the issuance of notice U/o 39 R 3 CPC, otherwise, the very purpose of filing of this suit itself is frustrated, if by dispensing with the notice, if *ex parte* TI is granted, it will meet the ends of justice, accordingly, I proceed to pass the following,

ORDER

The Defendant No.1 to 3 are hereby temporarily restrained from not to change the Khata in respect of suit schedule properties in any manner till further orders.

The plaintiffs are to comply u/o 39 R 3 (a) CPC.

Since, no grounds made out to dispense with the issuance of notice U/o 39 R 3 CPC in respect of prayer made in the IA No.2 hence,

Issue S/S to the Defendants and emergent notice on IA No.2 and orders on IA No.I r/by 26-05-2021.

III Addl. Senior Civil Judge & JMFC
Ranebennur.