

ORDERS ON IA NO.I

Heard Sri M.H.G. the learned counsel for plaintiff on I.A.No.1.

The plaintiff has filed present suit against the defendants for the relief of partition and separate possession and the present interim application filed for auxiliary relief U/O 39 Rule 1 and 2 r/w 151 of Code of Civil Procedure to restrain the defendants from constructing the house by availing the loan from the bank and private persons in the suit schedule property till disposal of the suit.

Perused entire plaint averments along with materials placed on record and heard learned counsel for plaintiff. The contents of the plaint and affidavit averments prima-facie shows that balance of convenience lies in favour of the plaintiff. Therefore, it is opinion of this court 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 plaintiff 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

Considering I.A.No.1 the defendants are hereby restrained by way of ex-parte temporary injunction from constructing the house by availing the loan from bank and private persons in 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.1 and order of ex-parte injunction after compliance.

R/by

Sd/-
Prl. C. J. & I Addl. JMFC,
Ranebennur.