

OS. No. 111/2024

Heard Sri.M.M.Patil Advocate for plaintiff on IA No. 1.

This is a suit for partition and separate possession in respect of suit properties A to C wherein the plaintiff is seeking 1/3rd share.

The plaintiff has filed IA No. 1 U/O 39 Rule 1 and 2 seeking ex-parte temporary injunction restraining the defendants from alienating the suit schedule A, B and C properties till the final disposal of the suit.

Perused the entire materials placed by the plaintiff.

It appears on perusal of the documents produced along with plaint the land survey No.4/4 and 5/5 have been already standing in the name of defendant No.6 who purchased the said properties. The suit land Survey No. 4/9 is standing in the name of defendant No.5 who purchased the said property. On the other hand the suit land survey No.11/1, 14/3, 14/4 are already standing in the name plaintiff itself. The suit property No.823 is standing in the name of defendant No.4 since 2004-05. The plaintiff is seeking prohibitory order in respect of suit properties and some of properties have been already alienated in favour of defendant No.5 and 6 and some of properties are also standing in the name of plaintiff. Under the circumstances it is not sufficient here to issue prohibitory order before hearing of the defendant No. 4 to 6. The property extract of suit schedule C (2) is standing in the name of defendant No.4 since 2004-05 and it involve absolute right of woman property under Hindu Succession Act. Therefore, in the consider opinion of this court it is necessary here to issue emergent notice to the defendants. Hence, I proceed to pass the following,

ORDER

Issue emergent notice on IA No. 1 to the defendant No. 1 to 6 along with suit summons by way of urgent process R/by 13-09-2024.

Senior CJ and JMFC,
Shiggaon.
(At: Savanur).