

The Counsel for plaintiff has filed application U/Sec. 151 of CPC praying before the court that in Crl.Misc, No.743/2017, this court has directed to auction the property for cultivation of land in Sy No.49/5 measuring 3Ac-34Gts of Ningadalli village. The plaintiff further submits that she is the daughter of Late Vithal Talakeri. After demise of Vithal Talakeri, Defendant No.1, the mother of plaintiff herein, and plaintiff herself and Malkappa Talakeri, the brother of plaintiff were having undivided right, title and interest over the suit property.

The Defendant No.2 being the wife of Malkappa Talakeri had filed a Crl.Misc. bearing No. 743/2017 under D.V. Act and prayed before the court maintenance. This Court has directed to pay maintenance amount. Since the husband of defendant No.2 and his family members failed to make payment of maintenance regularly, the said property was attached and this court has passed order of auction for cultivation of land on yearly basis. The said liability of payment of maintenance was only against husband of defendant No.2 and his family members. But in the suit schedule "A" property, the

plaintiff is also having right over the property. Hence according to plaintiff if the property is auctioned it will affect her share. Hence she prayed before the court to stay the further proceedings in Crl.Misc. No. 743/2017 and issue intimation to the Tahasildar, Aland to not to auction the property till further orders in the matter.

On perusal of the material available on record it is prima-facie showing that the plaintiff is having undivided right, title and interest over the property and the order of maintenance is not against the plaintiff. If the auction is proceeded with, it will affect the right of plaintiff over the suit property. Therefore, it has become just and necessary to stay the further proceedings in Crl.Misc. No.743/2017 as far as the suit property is concerned. Hence I proceed to pass the following;

**ORDER**

Further proceedings in Crl.Misc. No.743/2017 on the file of this court, in respect of Sy No.49/2 measuring 3Ac-34Gts of Ningadalli village is hereby stayed till further orders in this matter.

Issue intimation to the Tahasildar, Aland to not to auction cultivation of Sy No.49/5 measuring 3Ac-34Gts of Ningadalli village till further orders in this matter.

Call on 16.06.2022

C.C. Addl. Civil Judge & JMFC  
Aland