

OS No: 21/2023

Heard arguments on IA No-1 filed U/o 39 Rule 1 and 2 of CPC.

Plaintiff counsel argued stating that though the suit properties belong to father of the plaintiff which is declared in RA No-140/2007 on the file of 3rd additional Dist and sessions judge Gulbarga, the defendant no-1 to 3 taking advantage of their names in the revenue records, have executed agreement of sale with defendant no-4 and 5 and trying to alienate the proprieties. Though notice issued but they have not heeded. Hence seeks to restrain them from alienating the suit property in any manner.

Perused the records. It is noticed that the father of the plaintiff and D-1 by Name Babusab has filed OS No-30/2005 suit for declaration that he is the owner of Sy No 80/A situated at Kalhipparga village and it was dismissed but allowed in RA No-140/2007. The same is found from the judgments copies produced.

It is true that until and unless plaintiff proves that the other properties are also the properties of her father, she will not succeed. But till the rights are crystallized, if the property is not kept in tact, plaintiff has to fight multiple litigation. Considering the aspect that order of non alienation restriction, not amounting to any hardship, the same can be passed in the interest of justice and equity. Hence I deem it fit to

dispense the notice at this stage and proceed to pass the following:

ORDER

Pending disposal of IA No-1 filed by the plaintiff U/o XXXIX Rule 1 and 2 of CPC the defendants No-1, 2 and 3 and all persons claiming through them are hereby restrained by an order of add-interim Ex-parte injunction from alienating the suit property in any manner in favor of anybody till filing of written statement.

The plaintiff shall comply with provisions of Order XXXIX Rule 3(a) of CPC.

Office to issue ex-parte Temporary Injunction order only after compliance is made and process fee with copies of pleadings are furnished.

Issue suit summons to D-1 to 5 and notice on IA No-1 and Temporary Injunction order to defendant No-1, 2 and 3.

Call on:28-03-2023.

**Senior Civil Judge & JMFC
Chittapur.**