

The present suit has been filed by plaintiff for the relief of Partition and separate possession in respect of the suit schedule properties and other reliefs as made mention of in the plaint.

In aid of the main relief the plaintiff is also maintained two applications, one is under order 39 Rule 1 and 2 of CPC. Wherein the plaintiff has sought for restraining the defendants from not to alienating the suit schedule properties till pending disposal of the suit.

And IA No.2 is filed under order 39 Rule 3 R/w Sec. 151 of CPC seeking dispense the issuance of notice to defendants before granting Ad-interim T.I order.

No caveat is pending.

Heard the plaintiff counsel Arguments on IA No.1 and 2.

After perusal all the materials placed before the Hon'ble court, at this stage this court is satisfied that the plaintiff has made out a prima-facie case and balance of convenience is in favour of plaintiff. If an exparte order of T.I is not granted by dispensing the issuance of notice, the purpose of filing I.A No.1 may be defeated. Under such circumstances IA No.2 U/O 39 Rule 2 of CPC is disposed of.

Hence the following order:

ORDER

Defendants, their agents, person or persons claiming through they are hereby restrained from alienating the suit schedule properties in any manner till next date of hearing.

Accordingly, the plaintiff is hereby directed to comply the order 39 Rule 3(a). Issue exparte T.I order if provisions of Order 39 Rule 3(a) of CPC are complied with.

Issue emergent notice on IA No.1 and 2 to defendants and suit summons to defendants if sufficient copies are furnished and PF paid returnable by 28-10-2019.

(A.N. Kanthamma)
C/c Prl.Civil Judge & J.M.F.C.,
Mulbagal.