

Perused the records and heard arguments on I.A No.I to III.

2. The present suit is filed by the for the relief of Declaration and Permanent Injunction. It is submitted that the defendants obtained fraudulently sale deed and now colluding with each other, to defeat the rights of plaintiff are trying to sell the suit schedule property.

The defendant No.1 being foster daughter obtained the signature fraudulently, and even though sale deed shows payment of Rs. 15,00,000/- the plaintiff has not received single Rupee. In the sale deed cheque number is also shown but it is not credited in the account of plaintiff. Defendants mortgaged the suit property and this plaintiff to avoid attachment and eviction paid Rs.20,00,000/- to the bank towards repayment of mortgaged loan.

3. Along with the plaint, one I.A under order 39 Rule 1 & 2 of C.P.C if filed for the interim relief and prayed to dispense notice under Rule 3. In support of the IA several documents are produced.

4. I have carefully perused materials available on record, the sale deed was executed in 2017, plaintiff produced bank statement and documents to show repayment, electricity bill, Letter Dtd: 20.02.2026 etc., considering circumstances at this stage it appears the plaintiff in possession of the property, the apprehension of plaintiff appears to be genuine, plaintiff made out prima facie case. If the interim relief is not granted by dispensing the notice, great inconvenience will be caused to the plaintiff and the very object of the suit will be defeated by delay. Hence it is a fit case to dispense the notice U/o 39 Rule 3 of CPC.

5. In view of guidelines of Hon'ble Apex Court in Ramrameshwari Devi v. Nirmala Devi, (2011) 8 SCC 249 Hon'ble Apex court, it is hereby made clear that if the present I.A or suit is eventually dismissed, the present applicant will have to pay full restitution, actual costs, mesne profits and also liable for perjury if any. Filing of affidavit affirming compliance of Order XXXIX Rule 3(a) and (b) of the C.P.C will be construed as an undertaking from the applicant to pay such compensation.

6. In view of the above reasoning I proceed to pass the following.

ORDER

Notice is dispensed.

The defendant No.1 and 2 and their men are hereby restrained by way of an ad-interim exparte injunction from alienating the suit schedule property till next date of hearing.

The defendant No.1 and 2 and their men are hereby restrained by way of an ad-interim exparte injunction from interfering with plaintiff's peaceful possession of suit schedule property till next date of hearing.

The defendant No.3 and their men are hereby restrained by way of an ad-interim exparte injunction from retraining original documents of suit schedule property to defendant No.1 and 2 till next date of hearing.

Issue T.I order, I.A notice and suit summons to defendants through speed post, if steps taken.

OS 32/2026

*T.I. order shall be issued only
upon filing of an affidavit affirming
compliance of Order XXXIX Rule 3(a)
and (b) of the C.P.C.*

Call on 02.04.2026.

PSCJ & JMFC, SRP.

Dt: 07.03.2026.