

ORDER ON I.A.NO.3

I.A.No.3 under Order 39 Rule 1 and 2 r/w Section 151 of C.P.C. is filed by the plaintiff for the relief of exparte temporary injunction against the defendant No.3 by restraining him or his agents from alienating the 'B' and 'C' schedule property till mediation period or till the said case is put up on board before this Court.

The notice of I.A.No.3 and the suit summons to the defendant No.3 which were sent were not claimed by the defendant No.3 and therefore after noticing that the service held sufficient, defendant No.3 was placed exparte.

The exparte temporary injunction order on I.A.No.3 is sought only till the mediation period is over and till the said case is put up on board before this Court. It appears that, the mediation period is over and the case has been already put up before this Court from 30.11.2022. Therefore, I am of the opinion that, the said relief sought is not required to the plaintiff as the mediation period is over and the case has already been put up and as such, the I.A.No.3 does not deserve to be allowed. The I.A.No.3 under which the said relief is claimed is filed only till mediation period and therefore, at this stage, it is not just and proper to go into the merits on I.A.No.3 as both the time limit is over as claimed by the plaintiff. Accordingly, I.A.No.3 is disposed of.

Dated this the 17th day of March, 2023.

Prl. District Judge,
Mysuru.

Com. O.S.176/2022