

ORDER IA NO.1 FILED U/O 39 R-1 AND 2 OF CPC

IA No.1 is filed by the applicant/plaintiff U/o 39 R-1 and 2 of CPC seeking an ad-interim ex- parte order of temporary injunction to restrain defendants No.1, 3 to 6 from alienating the application schedule property in favour of 3rd party in the interest of justice and equity.

2. Heard the learned counsel for the applicant/plaintiff and perused the plaint averments, affidavit, annexed to IA No.1 and also other materials placed before this court.

3. The above suit is filed by plaintiff against defendants for the relief of partition and separate possession.

4. Here, the Applicant/plaintiff in her affidavit has stated that, the suit schedule property is her joint family and ancestral property. She has filed the present suit against the defendants for the relief of partition and separate possession.

5. On careful perusal of affidavit averments and documents available on record it goes to show that applicant/plaintiff has got prima facie case on hand.

6. At this stage the applicant/plaintiff has made out sufficient grounds and prima-facia case so as to protect her right and interest over the application schedule property. Further, the very object of granting injunction would be defeated by delay. Hence, notice on IA No.1 to the defendants as contemplated U/o 39 R-3 of CPC is hereby dispensed with being of the above opinion. Hence, this court proceed to pass the following:

ORDER

Pending disposal of IA No.1 the defendant No.1, 3 to 6 are restrained from alienating the application schedule properties in favour of 3rd party by way of an ad-interim ex- parte temporary injunction order.

This order shall remain in force till defendants filing their written statement and objections.

Office is directed not to issue the certified copy of this order until complied with order 39 R-3 of CPC.

Issue emergent notice to defendant No.1 to 8 in respect of IA No.1.

Issue ad-interim temporary injunction order in respect of IA No.1 and also issue suit summons to

defendant No.1 to 8 returnable by: 21-08-2020.

(Gayatri)
Addl. Civil Judge & JMFC.,
K.R.Nagar.