

ORDER

Counsel for plaintiff advanced the matter and filed an I.A. U/o 39 R-1 and 2 of C.P.C. restraining defendants from alienating suit schedule property in favour of 3rd party by an order of ad-interim ex-parte temporary injunction.

2. It is submitted by learned counsel that present suit has been filed by him for the relief of partition and separate possession there is an apprehension of defendants alienating application schedule property in favour of 3rd party so as to defeat legitimate share of this plaintiff. In respect of present suit initially plaintiff filed an application U/o 39 R-1 and 2. Wherein this court issued an emergent notice to defendants. The emergent notice and the suit summons so issued by this court returned with shara refused, thus defendants have not entered appearance by refusing the suit summons and emergent notice so issued by this court.

3. On perusal of plaint averments clubbed with application and affidavit averments it is clear that plaintiff has filed present suit claiming his share over suit schedule properties, in order to avoid multiplicity of proceedings between the parties. It is also clear that delay by issuing notice to defendants will defeat justice, as such this court finds it just and proper to allow the present application. As such this court proceeds to pass the following:

ORDER

Application filed U/o 39 R-1 and 2 of C.P.C is hereby allowed.

Defendant is hereby restrained from alienating the application schedule property in favour of 3rd party.

For plaintiff evidence.

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