

**ORDERS ON I.A.No.3 FILED UNDER
ORDER 5 RULE 20 OF CPC**

The plaintiffs have filed this application with a prayer to issue notice against the defendant No.4(b) and (c) by way of affixture.

2. In the accompanying affidavit the plaintiffs have stated that, the defendant No.4(b) and (c) are residing in the address given in the plaint and they are intentionally avoiding to acknowledge the notice issued by the court and

the address given in the plaint is the last known address of the defendant No.4(b) and (c). Hence, prays to allow the application.

3. Heard the counsel for plaintiffs and perused the documents available on record.

4. The following point arises for consideration of the Court:

Whether the plaintiffs have made out reasonable grounds to issue notice through affixture against the defendant no.4(b) and (c)?

5. Answer to the above point is in the **Affirmative** for the following...

R E A S O N S

6. This is a suit filed by the plaintiffs against the defendants for the relief of partition and separate possession. On perusal of the materials on record it reveals that, as per shara of court notice is returned as 'door lock'. The counsel for the plaintiffs has submitted that the address mentioned in the application filed U/O 22 R 4 of CPC is their last known address. That suffice to show that the plaintiffs have made sufficient efforts in serving the notice to defendant No.4(b) and (c). The defendant No.4(a) is non other than the sister of defendant No.4(b) and (c) and she has received the notice as per order dated 25.02.2021.

The defendant No.4(b) and (c) are also residing in the same address as per the details mentioned in the application. In spite of the same the notice have not been able to served upon defendant No.4(b) and (c). It is very much necessary to proceed with the matter, therefore, it is necessary to order for substitute service as prayed for. Therefore, in the light of above discussion, the Court answers the above point in the affirmative, and proceeds to pass the following:

ORDER

The I.A.No.3 filed by the plaintiffs on 07.08.2021 U/O 5 rule 20 of CPC is hereby allowed.

No order as to costs.

Sd/-

(PAVITHRA R)

Prl. Civil Judge and JMFC,
K.R.Nagara.

**ORDERS ON I.A.No.4 FILED UNDER
SEC. 151 OF CPC**

Counsel for plaintiffs has filed IA No.4 U/Sec.151 of CPC with a prayer to extend the interim order dated 15.02.2020. in the accompanying affidavit the plaintiff No.1 has

stated that the defendant No.9 who is one of the Town Municipal Councilors in K.R.Nagar Taluk is doing activities in the item No.1 of the suit schedule properties in lock-down time. Hence, to avoid the same it is necessary to extend the interim order. If this application is not allowed the plaintiffs will be put into irreparable hardship. Hence, this application.

2. The counsel for defendant No.9 files objection to IA submitting that there was no lock-down imposed during the last dates of hearing on 06.01.2021, 25.02.2021 and 08.04.2021 and the plaintiffs would have filed necessary application for extension of interim order. There is no interim order as of now for extension. The suit schedule properties are agricultural properties and the 9th defendant is not carrying out any activity in the suit schedule property. Hence, prays to dismiss the application.

3. Heard the counsel for plaintiffs and defendant No.9.

4. The following point arises for consideration of the Court:

Whether the plaintiffs have made out reasonable grounds to extend the interim order dated 15.02.2020?

5. Answer to the above point is in the **Negative** for the following...

R E A S O N S

6. This is a suit filed by the plaintiffs against the defendants for the relief of partition and separate possession. On perusal of the materials on record and order sheet it is found that interim order dated 15.02.2020 was passed directing the defendant No.9 not to alienate the item No.1 of the suit schedule properties in favour of 3rd party till next date of hearing. Thereafter, Court was closed on 06.10.2020 and 23.11.2020 due to lock-down. But, on 06.01.2021 to 08.04.2021 no lock-down was imposed and Courts were regularly working. Such being the case the plaintiffs ought to have filed memo or application for extension of interim order on 06.01.2021 itself. Today, there is no interim order in existence to extend the same. That apart, the order granted on 15.02.2020 was to restrain the defendant No.9 from alienating the item No.1 of the suit schedule property. But, the present application for extension of interim order is sought with a plea that the defendant No.9 is doing activities in item No.1. Therefore, for the reasons the relief sought in the application is not in existence since the interim order is seized on

06.01.2021 and the reason stated in the affidavit is not satisfactory and the Court is of the opinion that IA No.2 filed U/O 39 R 1 and 2 of CPC needs further hearing for it's final disposal. Therefore, in the light of above discussion, the Court answers the above point in the **Negative**, and proceeds to pass the following:

ORDER

The I.A.No.4 filed by the plaintiffs on 07.08.2021 under Sec.151 of CPC is hereby dismissed.

No order as to costs.

Issue notice to defendant No.4(b) and (c) by way of affixture if PF is paid. R/by 21.09.2021.

Sd/-

(PAVITHRA R)

Prl. Civil Judge and JMFC,
K.R.Nagara.