

ORDER ON I.A.I & II

The suit is filed for the relief of specific performance of contract. The plaintiff has filed I.A.I under Order 32 Rule 3(1) of C.P.C., to appoint the 1st defendant as guardian on behalf of minor defendant No.4 stating that defendant No.4 is the minor by age and defendant No.1 is her natural guardian. So, the petitioner prays to appoint the 1st defendant as guardian on behalf of the minor defendant No.4. The facts show that the 4th defendant is minor by age, the 1st defendant is her guardian. So, I.A.I is allowed.

In respect of I.A.II, the learned counsel for the plaintiff argued to grant ad-interim temporary injunction against the defendants restraining them from alienating suit schedule property till disposal of the suit. The learned counsel further argued that, the defendants making attempt to alienate the schedule property in spite of existence of agreement.

Ad-interim temporary injunction can be granted in extreme circumstances if plaintiff able to prove the very necessity to grant such order. Suppose in this suit ad-interim temporary injunction is not granted, it would help the defendants to alienate the schedule property before deciding the present suit. Therefore, the subject matter of the suit schedule

property is to be kept intact. Hence, the following:

ORDER

Issue ad-interim temporary injunction against the defendants preventing them not to alienate the suit schedule property till the next date of order, if the plaintiff complied the Order XXXIX rule 3(a) of CPC.

Issue suit summons and notice of IA No. II to the defendants if PF is paid.

Call on2025.

Senior C.J. & JMFC.,
Nanjangud.

03.06.2025