

ORDER ON I.A.I FILED UNDER
ORDER 32 RULE 3 CPC

The plaintiff No.1 filed application on the above provision to appoint the 14th defendant as natural guardian of minor defendant No.15 who is none other than the natural mother of defendant No.15. Hence, prays to allow the application. The suit is for partition and separate possession. I have gone through the contents of affidavit. The order 32 of C.P.C. permits to appoint natural guardian of any minor person for other circumstances. The 14th defendant is none other than the natural guardian as per the affidavit filed by the plaintiff No.1. Therefore, I.A.I is allowed. The 14th defendant is appointed as natural guardian of minor 15th defendant.

Senior C.J. & JMFC.,
Nanjangud.

ORDER ON I.A.II

The suit is filed for the relief of partition and separate possession of their legitimate share in the suit schedule property. Along with the suit I.A.II is filed for temporary injunction.

The learned counsel for the plaintiffs argued to grant ad-interim temporary injunction against the defendants No.1 to 17 restraining them from alienating schedule property till disposal of the suit. The learned counsel further argued that, in case the defendants alienate the schedule property, the plaintiffs would suffer irreparable injuries.

Ad-interim temporary injunction can be granted in extreme circumstances if plaintiffs able to prove the very necessity to grant such order. Suppose if the property is alienated before adjudication of the matter, it would definitely cause injustice to the plaintiffs because their valuable right over the property if any will be spoiled if alienation is made. Therefore, the subject matter of the suit schedule property is to be kept intact. Therefore, the following:

ORDER

Issue ad-interim temporary injunction against the defendants No.1 to 17 preventing them not to alienate the suit schedule property till the next date of order, if the plaintiffs complied the Order XXXIX rule 3(a) of CPC.

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

Call on2024.

Senior C.J. & JMFC.,
Nanjangud.

20.06.2024