

ORDER

Perused the plaint, I.A.No.I filed u/Order 39 Rules 1 & 2 R/w/Section 151 of CPC., and the connected affidavit sworn to by next friend of plaintiff and the documents appended to the list.

The plaintiff has filed this suit against the defendants for the relief of partition and separate possession. It is the case of plaintiff that, the suit property is ancestral joint family property of plaintiff and defendant No.1 to 3. Defendant No.1 and Smt. Malligamma couple have 2 children, who are defendant No.2 and 3 herein. The defendant No.1 to 3 in order to defeat the legitimate share of plaintiff over the suit property, alienated the suit property to defendant No.4 on 31.08.2023. The said fact came to the knowledge of mother of plaintiff recently when she verified the documents relating to suit property. Hence, this suit.

The plaintiff has produced R.T.C. extract of suit property for the year 2019-20, wherein in column No.10 i.e. mode of acquisition or possession shown as gift. The plaintiff has not produced any document to show that, defendant No.1 has inherited the suit property from his male ancestors. There is a recital in sale deed dated: 31.08.2023 that, the mother of defendant No.1 had gifted the suit property to defendant No.1 and the mother of defendant No.1 acquired the same through her father by Gift deed. At this stage, there is no

document to show that, the suit property is inherited by defendant No.1 from his male ancestors.

On perusal of the materials on record, at this stage I feel that, before passing any ex-parte ad interim order, it would be just and proper to issue notice to other side and consider their objections, if any. Hence, I proceed to pass the following...

ORDER

Issue suit summons and E/N on I.A.
No.I to Defendants, r/by 25.10.2023.

Sd/-
I Addl. Civil Judge & JMFC.,
Nanjanagud