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ORDER ON IA-1 U/O 39 RULES

1 & 2 CPC

Suit is for partition and separate possession.

Plaintiff asserted that; she & defendant-1 are sisters being daughters of deceased Puttappagowda, they constituted joint family, suit properties are ancestral properties and there is no severance of joint status. Despite the defendant-1 fraudulently mutated names in revenue records and sold suit item-7 in favour of defendant-2. Plaintiff demanded to effect partition but to no use. Hence, suit is filed.

Plaint is appended with IA-1; u/O 39 Rule 1 & 2 CPC, wherein it is prayed to restrain the defendants from alienating suit properties.

Plaintiff has produced documents viz., RR-5 & 6, RTC extracts & Aadhar Card. Apprehension of plaintiff is that; if the defendants are not restrained from alienating suit properties, she will be subjected to hardship which cannot be

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compensated by any means and it will lead to the multiplicity of proceedings.

On perusal of plaint, IA-I along with affidavit averments and documents relied by the plaintiffs, it reveals that at the moment she has made out a prima facie case and there is no reason to suspect the bonafides of her case. If ex-parte order on IA-1 is not granted a situation may arise, which might become irreversible by the time the dispute is closed. If prior notice is not dispensed, the delay causing in service of notice defeats the very purpose of filing suit.

:- O R D E R :-

Defendants are hereby temporarily restrained from alienating the suit properties i.e., lands bearing Sy.No.7 (8As 16Gs), Sy.No.12 (3As 34Gs), Sy.No.13 (28Gs), Sy.No.14 (1A 13Gs), Sy.No.17 (5As 26Gs), Sy.No.64/2/2 (20Gs) of Bekya Village, Kasaba Hobli, Periyapatna Taluk & Sy.No.50 (6As 32Gs) & Sy.No.55/2 (2As 1G) of

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Vadlimanuganahalli Village, Hanugodu
Hobli, Hunsuru Taluk till further orders.

Issue ex-parte temporary injunction
order on IA-I against defendants if
provisions of Order 39 Rule 3 CPC are
complied.

Issue suit summons & emergent
notice on I.A.I to the defendants through
Court & RPAD returnable by:
23.02.2023.

sd/-
Senior Civil Judge,
PERIYAPATNA