

ORDER ON IA-1 U/O 39 RULES

1 & 2 CPC

Suit is for declaration & injunction.

Plaintiff asserted that; suit property originally belongs to his paternal grand mother to whom it was granted by the government; during her lifetime she has beaquethed it in his favour by executing a registered will dated 05.11.11; after her death his name is mutated under MR.No.H8/18-19. Defendants are strangers; despite they colluding together filed suit OS.No.169/20 on the file of Prl Civil Judge, Periyapatna for partition and obtained collusive compromise decree and got mutated their names. Now, on the strength of revenue records they are denying his title and are trying to alienate the same. 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 property.

Plaintiff has produced documents viz., grant certificate, original Will, RTC extracts, mutation extract, order sheet, plaint and compromise petition of OS.No.169/20. Apprehension of plaintiff is that; if the defendants are not restrained from alienating suit property, he will be subjected to hardship which cannot be compensated by any means and it will lead to the multiplicity of proceedings. No prima facie case made out in respect of construction of building.

On perusal of plaint, IA-I along with affidavit averments and documents relied by the plaintiff, it reveal that at the moment he has made out a prima facie case and there is no reason to suspect the bonafides of his 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.

ORDER

Defendants are temporarily restrained from ***alienating*** the suit property i.e., land bearing Sy.No.6/21 (new Sy.No.6) (2As) of Benagalu village, Haranahalli Hobli, Periyapatna 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 IA-I to the defendants through Court & RPAD returnable by: **02.08.2023.**

sd/-
Senior Civil Judge,
PERIYAPATNA.