

ORDER ON IA-1 U/O 39 RULES 1 & 2 CPC

Suit is for declaration and perpetual injunction .

Plaintiffs asserted that; their father purchased suit lands under a registered sale deed dated:10.04.1968 from Thammaiahshetty. Since from the date of purchase their father was in possession of suit lands, who died on 26.11.14 and since then plaintiffs are in possession of suit lands. On the basis of registered sale deed mutation in MR.No.4/1978-79 was certified. At the time of purchase the suit item-2 was bearing Sy.No.3/3 measuring 36Gs but recently defendant got mutated his name to suit item-2 by showing Sy.No.3/6 measuring 32Gs. Defendant has no manner of right over suit lands despite he has mutated his name in the revenue records. On the strength of revenue records he is attempting to alienate the suit properties. Hence, suit is filed.

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

Plaintiff has produced documents viz., original registered sale deed, RTC extracts & mutation extract. Apprehension of plaintiffs is that; if the defendant is not restrained from alienating suit properties, he will be subjected to hardship which

cannot be 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 they have made out a prima facie case and there is no reason to suspect the bonafides of their 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. Hence, prior notice on IA-I is dispensed and proceeds to pass the following;

-: O R D E R :-

Defendant is hereby temporarily restrained from alienating the suit lands bearing Sy.No.2/3 (1A 03.08Gs) and Sy.No.3/3 (36Gs); new Sy.No.3/6 (32Gs) of Navilukodikavalu Village, Bettadapura Hobli, Periyapatna Taluk till further orders.

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

Issue suit summons and emergent notice on I.A.No.I to the defendant through Court & RPAD returnable by: **12.07.2022**.

**Senior Civil Judge,
PERIYAPATNA**