

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

Suit is for partition and separate possession.

Plaintiff asserted that; she and defendants-3 to 6 are children of defendants-1 & 2; they constituted joint family; suit properties are ancestral and joint family properties; there is no severance of joint status; defendants-1 & 3 in the guise of execution of mortgage redemption deed they fraudulently obtained registered partition deed dated 01.01.15, which is null and void and she is having 1/6th share in 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 defendants-1 to 3 from alienating suit properties.

Plaintiff has produced documents viz., G-tree, partition deed & RTC extracts of suit properties. Apprehension of plaintiff

is that; if the defendants-1 to 3 are not restrained from alienating suit properties, she 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-1 along with affidavit averments and documents relied by the plaintiff, 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.

ORDER

Defendants-1 to 3 are temporarily restrained from ***alienating*** suit properties i.e., lands bearing Sy.No.214/2 (1A 8Gs), Sy.No.223/1 (28Gs),

Sy.No.223/2 (4As 27Gs), Sy.No.215/1 (1A 4½Gs), Sy.No.216/2 (1A 2Gs), Sy.No.217 (1A 19Gs), Sy.No.259/1 (19Gs) Sy.No.259/2 (21Gs), Sy.No.259/4 (1A 22Gs), Sy.No.259/5 (15Gs), Sy.No.259/6 (22Gs), Sy.No.259/7 (17Gs) & Sy.No.359/8 (28Gs) of Kiranalli village, Ravanduru Hobli, Periyapatana Taluk **till further orders.**

Issue ex-parte temporary injunction order on IA-1 against defendants-1 to 3 if provisions of Order 39 Rule 3 CPC are complied.

It is made clear that this order will not restrain the defendants-1 to 3 from availing agricultural loans on the suit lands and also not in respect of possession of parties over the suit properties.

Issue suit summons to the defendants & emergent notice on IA-1 to

OS.No.89/24

the defendants-1 to 3 through Court &
RPAD returnable by: **10.06.2024.**

sd/-

***Senior Civil Judge,
PERIYAPATNA.***