

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

Suit is for partition and separate possession.

Plaintiff asserted that; she & defendant are children of deceased Shivananjappa & Bhadramma; suit properties are self-acquired properties of their father, who died intestate on 24.08.83, as such plaintiff being daughter is entitled for equal share. Defendant behind her back got mutated his name to suit properties. She demanded to effect partition & to allot her legitimate share 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 defendant from alienating suit properties.

Plaintiff has produced documents viz., sale deed, death certificate, RTC extracts, RR-6, mutation extract, encumbrance certificate, notice, reply notice & G-tree.

Apprehension of plaintiff is that; if the defendant is 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-I 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 :-

Defendant is hereby temporarily restrained from alienating the suit properties i.e., lands bearing Sy.No.29/2 (1A 15Gs) & Sy.No.30/1 (3As 35Gs) of Korgallu Village & house measuring

20x60 feet of Bettadapura 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 & emergent notice on I.A.I to the defendant through Court & RPAD returnable by: **19.10.22.**

sd/-

**Senior Civil Judge,
PERIYAPATNA**