

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

Suit is for partition and separate possession.

Plaintiff asserted that; suit properties originally belong to her grand father Kuppe Chennabasavaiah & after his death her father Muddappa succeeded the same & after death Muddappa she & defendant-1 succeeded the suit properties, which are ancestral properties & there is no severance of joint status. Despite defendants-1 & 2 obtained revenue records & defendant-1 sold suit item-3 in favour defendant-7 on 17.10.22. She demanded to effect partition and 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 defendants-1 to 5 & 7 from alienating suit properties.

Plaintiff has produced documents viz., settlement deed, sale deeds, school

certificate, RTC extracts, demand register extract, RR-5 & 6 & sale deed. Apprehension of plaintiff is that; if the defendants 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-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 :-**

Defendants-1 to 5 & 7 are hereby temporarily restrained from alienating the

suit properties i.e., land bearing Sy.No.87/3 (2As 24Gs), Sy.No.85/5 (22Gs), Sy.No.85/17 (2As 27Gs), Sy.No.85/7 (1A 9Gs), House bearing No.37 and vacant site bearing No.37 of Meluru Village, Bettadapura Hobli, Periyapatna Taluk till further orders.

Issue ex-parte temporary injunction order on IA-I against defendants-1 to 5 & 7, if provisions of Order 39 Rule 3 CPC are complied.

Issue suit summons to the defendants & emergent notice on I.A.I to the defendants-1 to 5 & 7 through Court & RPAD returnable by: **17.12.2022**.

**Senior Civil Judge,  
PERIYAPATNA**