

FDP NO.6/2024

R-5, 7 and petitioner present.

Counsel for petitioner present and filed IA No.2. U/O 39 rule 1 and 2 of CPC to restrained the R1. From alienating the suit property to third party and filed memo producing copy of registered agreement of sale dtd.04.07.2024.

Heard on I.A.No.II from counsel for petitioner/applicant.

For orders.

ORDER

Heard Advocate for petitioner/applicant on I.A.No.II.

Perused the petition averments, judgment and decree dated 02.06.2021 in O.S.No.223/2013, judgment and decree dated 14.03.2023 in R.A.No.23/2021, documents and affidavit filed in support of I.A.No.II.

I.A.No.II is filed U/o.39 Rule 1 and 2 C.P.C claiming an order of ad-interim order of temporary injunction.

Petitioner/applicant filed the present petition under Order XX Rule 18 of C.P.C to effect partition and allot share in the suit

properties by metes and bounds as per the preliminary decree and to put the petitioner in the possession of her share.

The apprehension of the petitioner/applicant is that during the pendency of this final decree proceedings the respondent No.1 is trying to alienate the suit property to strangers and accordingly, she has executed registered agreement sale dated 04.07.2024 in favour of third party by name Sri. K. Muddanna with respect to suit property and produced the copy of the agreement of sale dated 04.07.2024. If she continued in her venture, then the petitioner/applicant will be put to hardship and jeopardized and it may leads to multiplicity of proceedings. Hence, I.A No.II.

By considering the materials on record at this stage, I found an arguable case to pass an interim order on I.A.No.II.

In view of the urgency and apprehension shown by petitioner/applicant and in order to avoid multiplicity of proceedings, I feel that an Exparte interim order has to be passed on I.A.No.II by dispensing with the notice to the respondent No.1. Hence, I proceed to pass the following interim order on I.A.No.II.

ORDER

Exparte Temporary Injunction is granted as prayed in I.A.No.II.

The respondent No.1 is hereby directed not to alienate the suit/petition schedule property.

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The order shall be in force till next date of hearing.

Issue Exparte order of temporary injunction if provision of order 39 Rule 3(a) & (b) of C.P.C is complied with.

After due compliance issue emergent notice on I.A.No.II, T.I Order and petition notice to the respondents No.1.

For appearance of respondent No.1 and for steps by : 21.09.2024.

**Civil Judge & JMFC.,
T.Narasipura.**