

ORDERS ON I.A. No.I

The plaintiff counsel filed I.A.No.I U/o 39 rule 1 & 2 of CPC., along with affidavit and prayed for an exparte order of temporary injunction restrain the defendant No.1 from alienating the schedule property by way of sale, mortgage, lease etc., till disposal of the suit as prayed in I.A.No.I.

Heard. Perused the plaint averments, application, affidavit and plaint relied documents. The plaintiff has filed the suit for the relief of partition and separate possession against the defendants. The grievance of the plaintiff is that, the defendant No.1 is trying to take advantage of his name entered in the RTC of the suit property and trying to alienate the suit property in order to dupe the plaintiff share. The plaintiff has produced the copy of computerized RTC and Mutation, Hand written RTC. On perusal of the hand written mutation of the year 486/1985 dated 15-12-1985 it was standing in the name of Narasamma W/o Manayya who is the mother of the plaintiff No.1, defendant No. 1 and 2 . Further on perusal of the hand written mutation of the year 439/1984 dated 15-09-1984 it was standing in the name of deceased Manayya S/o Timmayya who is the father of the plaintiff No.1, defendant No. 1 and 2 . In Sy. No. 197 totally measuring 17 acres 38 guntas each got 03 acres 24 guntas and in Sy. No. 103 was allotted to the mother of plaintiff No. 1 by name Narasamma W/o Manayya. Therefore in suit property there was no partition between the plaintiff and defendants. Later in the year 1984 the defendant No. 1 got changed the RTC on the basis of succession. The plaintiff and defendants are joint family members. In the above circumstances it is stated that, if injunction as prayed is not granted very purpose of the suit would be defeated. Hence, notice to defendants on I.A.No.I is dispensed and I proceed to pass the following:

ORDER

Issue ad-interim order of temporary injunction restrain the defendant No. 1 from alienating the schedule property by way of sale, mortgage, lease etc., as sought in the I.A No.I till filing of the objection.

Plaintiff shall comply order 39 Rule 3(a) of CPC. Issue T.I order, notice on I.A. No.I to defendants and suit summons to defendants.

Office is directed to issue certified copy of this order only after due compliance and payment of sufficient process fee, copy of the plaint, documents and I.A.No.I for issuing process to the defendants.

Returnable by : 26.10.2024

Sd/-
Civil Judge & JMFC,
Devadurga