

ORDERS ON IA NO.I

The present suit is filed by the plaintiffs seeking declaration and injunction in respect of suit schedule property. Along with the plaint, the plaintiffs have filed an application seeking injunction against defendant No. 1 thereby restraining her from receiving the death benefits of deceased Kanakappa alone from defendant No.2 company.

It is contended that plaintiff No.1 is the mother in law and plaintiff No.2 and 3 are the sister and brother of deceased Kanakappa and defendant No.1 is the wife of late. Kanakappa. Further the said Kanakappa was working in defendant No.2 company under BR.No.8660. The said Kanakappa has died on 23-12-2018 leaving behind the plaintiffs and defendant No.1 as his legal heirs. It is further contended that name of the plaintiff No.1 and defendant No.1 has been jointly mentioned as nominee in the service records of late. Kanakappa. This being the fact, the defendant No.1 has moved a representation before defendant No.2 company for obtaining death benefits of late. Kanakappa in her exclusive name. It is further contended that plaintiffs are also having equal share over the death benefits of late. Kanakappa as they are also members of joint family. Accordingly they pray to issue an injunction order against defendant No.1 for getting death benefits of Kanakappa alone.

The plaintiffs in order to prove their case, plaintiffs have produced death certificate of late. Kanakappa, copy of application given by defendant No.1, application given by

plaintiff No.1 and salary slip of deceased Kanakappa. On perusal of the materials available on record, it prima facia shows that late. Kanakappa was working in the defendant No.2 Company and during his service he has died. It is further discloses that plaintiff No.1 and defendant No.1 have moved separate applications before defendant No.2 company for claiming the death benefits of deceased Kanakappa. Hence this court is opinion of that if defendant No.1 alone gets the death benefits of deceased Kanakappa the valuable rights of plaintiffs if any involved in the suit matter will be defeated. In view of same in order to avoid multiplicity of proceedings it is just and necessary for issuing the temporary injunction against defendant No.1

Considering the aforementioned facts and on perusal of Documents, The Court is of the opinion that the Plaintiff has made out a prima facie case and any creation of right or interest in favour of defendant No.1 alone, it amounts multiplicity of proceedings and any right that the Plaintiffs might have over the suit properties might get defeated. Hence, I proceed to pass the following.

ORDER

The defendant No.1 his hereby restrained from receiving death benefits of deceased Kanakappa from defendant NO.2 company till next date of hearing.

The plaintiffs are hereby directed to comply with the provisions of Order XXXIX Rule 3 of CPC.

Issue T.I Order, Notice on I.A.No. I and suit summons to defendants, if P.F. is paid.

Returnable by: 17-09-2019

Sd/-

Addl. Civil Judge, Lingasugur.