

ORDERS ON IA NO.I FILED U/o XXXIX RULE 1 & 2 OF CPC

The present suit has been filed for the relief of suit for perpetual injunction in respect of suit property. The plaintiff along with the plaint has also filed application U/o XXXIX rule 1 and 2 of C.P.C seeking an injunction order against defendant No.1 to 3 thereby restraining them from alienating the suit schedule property shown in the plaint.

On perusal of plaint averments, affidavit in support of the present application, and registered sale deed, Khata extract, copy of decree in OS No.10/1990 and RA No.102/2000 and photos pertaining to the suit schedule property which are produced along with the plaint, it appears that the suit schedule property shown in plaint is standing in the name of the plaintiff. Further the plaintiff is claiming the relief of perpetual injunction and as such the plaintiff may also having right over the property.

Considering the aforementioned facts and on perusal of Documents, this Court is of the opinion that, at this stage the Plaintiffs have made out a prima facia case and any creation of right or interest in favour of defendant No.1 to 3 may lead to multiplicity of proceedings and any right that the plaintiff might have over the suit property might get defeated. Hence, I proceed to pass the following.

ORDER

The defendant No.1 to 3 are hereby restrained from alienating or in any way creating any encumbrance over the suit schedule property mentioned in schedule of the plaint till next date of hearing.

The plaintiffs are hereby directed to comply with the provisions of Order U/o 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 : 04-09-2021.

Sd/-

Addl, Civil Judge, Lingasugur.