

Order on I.A.No.IX

The Defendants No.1 to 9 have filed this application to issue direction against the Manager, Karnataka Bank, Bidadi Branch to unblock the account Number 9052500100562201 of Smt. Gangamma.

2. In the affidavit sworn in support of the present application, the Defendant No.1 has sworn that the Plaintiff has filed this suit against them seeking the relief of Partition and Separate Possession and now the stage is set for the evidence of the Plaintiff. That, during the pendency of the suit, the Plaintiff has filed an I.A under Order XXXIX Rule 1 and 2 which was numbered as I.A.No.II seeking the relief of

Mandatory Injunction against her not to disburse the amount in my SB Account bearing Account No. 9052500100562201 maintained in Karnataka Bank, Bidadi Branch, Ramanagara Taluk. It is submitted that this court was pleased to allow the said application in favour of the applicant and aggrieved by the said order, they have challenged the same in the Hon'ble High Court of Karnataka in case No. MFA No.5053/2019 wherein High Court of Karnataka was pleased to grant stay to the said order in I.A.No.7.

3. That being the case, the Bank Manager, Bidadi Branch, Ramanagar Taluk has blocked my SB Account and issued to her the notice with regard to the same dated 6-3-2109. That she is old agricultural lady she is getting pension, subsidies and other facilities by the government to her account and in view of her account having been blocked, she is unable to operate her account. Hence she has prayed to allow the I.A.

4. Per contra, the Plaintiffs have filed objections to the present application by opposing to allow the same on the ground that the same is not maintainable either in law or on facts. That, being aggrieved by the order of this court by virtue of which, the Defendant No.1 is restrained from withdrawing the amount deposited the 10th Defendant, the Defendants have already challenged the said order before the Hon'ble High Court. Therefore, the present application is

not maintainable. Hence, on these among the other grounds, it is prayed to allow the I.A.

5. Heard both the sides and perused the materials on record.

6. Admittedly, the Plaintiffs have filed this suit for declaration that they are entitled to 1/10th share in the suit schedule properties and consequently to partition the suit schedule properties and further to direct the Defendant No. 10 not to disburse the compensation amount till the shares of the respective parties is demarcated.

7. In this regard, the Plaintiffs also filed an I.A under Order 39 Rule 1 and 2 of CPC directing the 1st Defendant not to withdraw the compensation amount deposited by the 10th Defendant on 16-03-2009 in the account of the 1st Defendant at Karnataka Bank, Bidadi Branch, Ramanagar Taluk and in the event, the 1st Defendant has already withdrawn the compensation amount, to direct the 1st Defendant to deposit the same in judicial deposit till the disposal of the suit. By order dated 23-03-2019, the said I.A came to be allowed and the 1st Defendant was restrained by way of TI from withdrawing the compensation amount from her account and if she had already withdrawn the same, she was directed to deposit the same before this court. Accordingly the order sheet reveals that intimation letter was issued to the concerned bank. Further, this court has received the order of stay of the aforesaid order by the

Hon'ble High Court of Karnataka in MFA No. 5053 of 2019 which makes it clear that the present Defendants No. 1 to 9 have assailed the order of this court before the Hon'ble High Court. In such circumstance as rightly argued by the learned counsel for the Plaintiffs, the Defendants cannot seek any direction as against the Manager of the Bank from this court. Moreover, this court has not ordered for blocking the account of the Defendant No.1, while it is only that that the Defendant No.1 is restrained from withdrawing the compensation amount.

8. In this regard, even during the course of his arguments on the present application, the learned counsel for the Defendants No.1 to 9 has produced the letter dated 6-3-2019, in which, it is stated that the amount of Rs. 9,15,732.80 is blocked in the savings account of the Defendant No.1 and as a consequence the Defendant No.1 is informed that she is not allowed to withdraw up to that extent of lien marked amount from her savings account. This also shows that the account of the Defendant No.1 is not completely blocked. In such circumstance, the question of this court directing the Bank Manager to unblock the account of the Defendant No.1 does not arise at all. As, admittedly the Defendants have already assailed the order of this court before the Hon'ble High Court, the present application before this court is not maintainable. Hence, the following:-

ORDER

The I.A.No.IX under Sec. 151 of the
CPC is hereby rejected.

For cross-examination of P.W.1 finally
by: 23-08-2022.

**Prl.Senior Civil Judge and CJM,
Ramanagara.**