

Date: 05.01.2024

Plt: Mahesh T.S.

Dfts:

For Orders on I.A.No.II to IV

INTERIM ORDER ON IA NO.II TO IV

Heard the counsel for the plaintiff and perused the materials on record.

2. The counsel for the plaintiff has argued that the Defendant Nos.2 & 3 by getting illegal katha in respect of suit schedule property belonging to the Plaintiffs are now trying to alienate the same to others and also trying to interfere with their peaceful possession and enjoyment in respect of the suit schedule property and the Defendant No.5 is trying to transfer katha in respect of the suit schedule property into the name of Defendant No.2. Therefore, the Defendant No.5 and Defendant No.4 being the State of Karnataka, represented by Chief Secretary are made as parties to this suit.

3. In this case, as far as Defendant Nos.4 and 5 is concerned, summons has to be issued to them before passing any order on I.A.No.IV.

4. With regard to I.A.Nos.II and III is concerned, the documents produced by the Plaintiffs prima-facie shows that the name of father-in-law of Defendant No.1 is Bojjegowda @ Chikkaidegowda. The same can be ascertained through the Genealogy Tree issued by Deputy Tahsildar, upon the information given by Defendant No.1. The Plaintiffs have obtained Death Certificate of wife of said Kalegowda @ Chikkaidegowda by name Marikamma from the Tahsildar on 22.12.2023, which shows that the name of husband of the said Marikamma is mentioned as Kalegowda. However, the documents submitted by the above Defendants to the concerned Revenue Authority i.e., Tahsildar, Channapatna to get their name in the suit schedule property, which was obtained by the Plaintiffs through RTI, goes to shows that some corrections are made while mentioning name of the husband of Marikamma. In the said Death Certificate of Marikamma, her husband name is mentioned as Kalegowda @ Chikkaidegowda @ Bojjegowda. The documents produced by the Plaintiffs shows that Bojjegowda is the father of Plaintiff No.1 and father-in-law of Plaintiff No.2 and grand father of Plaintiff Nos.3 to 5. The name of the husband of Defendant No.1 is Kalegowda. Therefore, the documents shows that the similarity in the name of husband of Defendant No.1 and that of grand father of Plaintiff No.1 is being misused.

5. Therefore, in order to avoid multiplicity of proceedings, an order of restraining the Defendant Nos.2 and 3 from alienating the suit schedule property and also an order of temporary injunction to restrain the Defendant No.2 from interfering with the Plaintiffs peaceful possession and enjoyment in respect of suit schedule property is very much necessary.

6. In view of Sale Deed dated 14.12.2023 in respect of suit schedule property standing in the name of Defendant No.2, there is every possibility of he executing documents in favour of others only to defeat the right of the Plaintiffs. The Defendant No.2 has already executed Sale Agreement in favour of Defendant No.3 to an extent of 29 ½ guntas on 16.12.2023. Therefore, considering the above documents, I am of the opinion that exparte temporary injunction has to be issued against Defendant Nos.2 and 3 as prayed in I.A.Nos.II and III. Accordingly, I proceed to pass the following:

ORDER

The defendant Nos.2 and 3 are hereby temporarily restrained from alienating the suit schedule property and the Defendant No.2 is also restrained from interfering with the Plaintiffs peaceful possession and enjoyment in respect of suit schedule property by an order of Temporary Injunction.

This order will be in force till next date of hearing.

Issue an order of temporary injunction if the plaintiffs comply Order XXXIX Rule 3(a) of CPC.

Issue notice of I.A.Nos.II to IV and suit summons to the defendants through Court on compliance. Issue emergent notice on I.A.No.IV to the Defendant Nos.4 and 5.

Call on **05.02.2024.**

(SHUBHA)
**Senior Civil Judge & JMFC.,
Channapatna.dt.05.01.2024.**