

The present suit is filed by the plaintiff against the defendants seeking relief of declaration and injunction with respect to suit schedule property and also to declare Registered Sale deed dated 21.08.2010 as not binding on plaintiff and null and void. The plaintiff has also filed I.A.No.I u/o 39 Rule 1 and 2 of CPC seeking ad-interim temporary injunction restraining defendants, their heirs, henchmen, representatives or any persons claiming under them, from interfering the peaceful possession of the plaintiff over suit schedule property pending disposal of the suit.

In support of his contention, the plaintiff has produced several documents pertaining to suit schedule property. At this juncture, the court is of the opinion that the intended order cannot be granted without securing the presence of defendants, because as per RTC extracts produced by plaintiff himself the name of defendant No.1 appears with respect to suit property on the basis of partition. At this stage plaintiff has not made out prima-facie case to grant exparte injunction. It is

settled that the court shall issue notice of application to the opposite party before granting injunction as contemplated under order 39 Rule 3 of CPC. Hence, this court proceed to pass the following:-

ORDER

Issue emergent notice of I.A No.I and suit summons to the defendants through ordinary service as well as RPAD if plaintiff has taken proper steps in accordance with law.

Call on: 05.01.2024.

Sd/-

**I Addl. Civil judge & JMFC.,
Kanakapura.**