

ORDER ON I.As'.No.I & II

These two I.As' are filed by the plaintiff. The present suit is filed by the plaintiff for the relief of partition and separate possession in respect of suit schedule properties against the defendants. Mean while she has filed 2 I.As'. I.A.No.I seeking order to appoint defendant No.5 as the guardian for the minor defendant No.6. As per the cause title it reveals that defendant No.6 is aged about 9 years and defendant No.5 is the natural mother of defendant No.6, hence it is just and necessary to appoint defendant No.5 as a guardian to defendant No.6. Hence this application deserves to be allowed.

2. Another application is pleased to order to appoint an advocate as receiver to attach to prevent selling the "B" schedule property - 15,000 coconuts stored in farm house situated in Sy.No.53/2 measuring 2.29 guntas situated at Thalekoppa, Chelur Hobli, Gubbi Taluk. If defendants succeeds to sell the said property it will cause loss to the plaintiff without allotting her share, hence seek to appoint receiver. The Record of Rights reveals that suit schedule property stood in the name of propositor Susheelamma. The plaintiff is the daughter of Susheelamma. From the G-Tree reveals that she is the member of family of

Susheelamma i.e., her own daughter, hence if defendants succeed to sell the said property, then it will create multiplicity of litigations, hence it is also just and necessary to allow I.A. No.II for the ends of justice exparte.

3. The advocate Sri. M.P.Mohan is appointed as a court receiver to attach the “B” schedule property till next date of hearing and defendants restrained from alienating the “B” schedule property till the next date of hearing. Accordingly, I proceed to pass the following:-

ORDER

I.A. No.I filed by the plaintiff under Order 32 Rule 3 of CPC is allowed exparte.

Defendant No.5 is permitted to appoint as natural guardian of minor defendant No.6.

I.A.No.II filed by the plaintiff under Sec.94(d) of CPC is allowed exparte.

Sri. M.P.Mohan is appointed as a court receiver to attach the “B” schedule property till next date of hearing and defendants restrained from alienating the “B” schedule property till the next date of hearing.

The receiver fee Rs.1000/- has fixed for time being.

Issue suit summons to the defendants and order on I.A.No.I to the defendant No.5 and I.A.No.II to the defendants.

Senior Civil Judge & JMFC,
Gubbi.