

The Plaintiff has filed this suit for partition against the defendants in respect suit schedule property. Wherein Plaintiff has also filed I.A. I Under Order 39 Rule 1 and 2 of CPC with a prayer to pass an add-interim order of T.I restraining the defendants, their agents and anybody from withdrawing / releasing the compensation amount from the competent authority. The counsel for the plaintiff has also produced certified copy of order sheet in LAC No. 217-2010, certified copy of Judgment passed in L.A.C No. 217/2010 and RTCs pertaining to suit schedule property. I have perused the documents produced by the plaintiff in support of his contention, the documents produced by plaintiff at this stage shows prima-facie case in favour of plaintiff. If prior notice under Order XXXIX Rule 3(a) C.P.C. is not dispensed, the very purpose of filing the suit will be defeated. Hence, it is just and necessary to dispense with the issuance of prior notice. Considering the facts and circumstances of the case, by dispensing the issuance of prior notice, I proceed to pass the following:

ORDER

An order of Ex-parte Temporary Injunction is granted as prayed in I.A.No.I against defendants.

The defendants, their agents or anybody acting on their

behalf are hereby restrained from withdrawing / releasing the compensation amount awarded in LAC No. 217/2010 on the file of Hon'ble Senior Civil Judge Court, Gubbi in any manner till next date of hearing.

Plaintiff shall comply the order as per the provisions under Order XXXIX Rule 3(a) of C.P.C.

Office is directed to issue certified copies after ensuring the compliance as per procedure.

The counsel for plaintiff is hereby directed to co-operate to dispose off the I.A No. I within statutory period.

Returnable by 04.07.2020.

Prl. CJ and JMFC,
GUBBI.