

Heard Sri. S.R.R., counsel for plaintiff on I.A.No.1 filed under Order XXXIX Rules 1 and 2 of CPC and perused the materials on record. The plaintiff has filed I.A.No.1 seeking an ad-interim exparte order of Temporary Injunction restraining defendant No.2 from disbursing the LIC bond amount of late M.V. Krishna shown in "B" schedule properties to 1<sup>st</sup> defendant till the disposal of the suit.

2. It is the case of the plaintiff that she has filed the suit for partition and separate possession. She further contended that defendant No.1 is her brother, plaintiff and defendant No.1 had a brother by name M.V. Krishna who was working as KEB meter reader and he was suffering from cancer and died in the hospital. She came to know that recently defendant No.1 had obtained the signature of M.V. Krishna in some papers without his knowledge and got changed his name as nominee to "B" schedule properties and trying to receive the death benefits. Hence, this I.A.

3. The Plaintiff has produced G-Tree which prima facie goes to show that plaintiff, defendant No.1 and deceased M.V. Krishna are the children of Venkatachalapathi. Plaintiff has produced LIC policies which stood in the name of deceased, copy of O.S.75/2022 goes to show that defendant No.1 has filed the suit against plaintiff and deceased M.V.

Krishna for partition and separate possession and the same came to be disposed on 08.06.2023. All these documents prima facie goes to show that plaintiff and defendant No.1 are sister and brother of deceased M.V. Krishna who died recently leaving behind them as his only Lrs. At this stage, if defendant No.2 disburse the "B" schedule properties then it defeats the rights of the plaintiff which also leads to multiplicity of proceedings. Since there is threat of disbursing the LIC amount it is just and proper to pass an ad interim temporary injunction order. Hence, I pass the following;

**:ORDER:**

Defendant No.2 is hereby restrained by an ad-interim exparte order of Temporary Injunction from disbursing the LIC bond amount of late M.V. Krishna shown in "B" schedule properties to 1<sup>st</sup> defendant till the next date of hearing.

The plaintiff shall comply the proviso under Order XXXIX Rules 3(A) of C.P.C.

Issue suit summons to the defendants and T.I notice of I.A.No.1 to the defendant No.2.

Returnable by - .

**Sd/-  
Prl. Senior Civil Judge & JMFC.,  
Madhugiri.**