

ORDERS I.A.NO.II

Plaintiff filed the suit for the relief of declaration and injunction.

2. Plaintiff filed an application U/O.39 Rule 1 and 2 praying before this court to pass an Add-interim exparte temporary injunction against the Defendant No.2 from transferring the Khata of 'A' schedule buildings in to the name of Defendant No.1, in respect of newly constructed building in first and second floor of 'A' schedule property. Plaintiff submits that suit schedule property belongs to their father. The father of the Plaintiff and 1st Defendant has died on 11-8-2020.

3. The Plaintiff has come to know that the Defendant No.1 is trying to transfer the Khata's of newly constructed buildings in his name colluding with Defendant No.2. Hence prayed before this court to pass an order of exparte temporary injunction against Defendant No.2 not to transfer the Khata's of 'A' schedule property in the name of Defendant No.1.

4. Heard the counsel for Plaintiff.

5. On perusal of materials placed on record it is noticed that Plaintiff and first Defendants are co-

owners. The partition is not affected between them. However the Plaintiffs are governed by Mohammadan law. Hence the partition between them gets affected after the death of ancestor.

6. It is to be noticed that as there is no any written partition between them as per Mohammadan law, the ownership of the schedule properties lie in the hands of Plaintiff as well as Defendant No.1.

7. Henceforth, the prayer of the Plaintiff does have merits that in case if Defendant No.1 succeeds and transfer Khata in to his name, with the help of Defendant No.2 there may be a irreparable loss caused to the Plaintiff.

8. Therefore, I proceed to pass the following;

ORDER

The Defendant No.2 is restrained by an order of Add-interim exparte temporary injunction against the Defendant No.2 with respect to transferring of Khata into the name of Defendant No.1 of suit schedule property till next hearing date.

Issue suit summons to all the Defendants.

Issue copy of the above order and emergent notice of I.A.No.2 to 2nd Defendant.

Call on by 5/10/2021.

Sd/-

Prl. Civil Judge and
J.M.F.C. Bhatkal