

### **ORDERS ON I.A.NO.IV**

Plaintiff filed a suit for relief of declaration and injunction against the Defendants.

**2.** The Plaintiff submitted that, the Plaintiff and second Defendant are Mohammadians. They are governed by Mohammadian Law. The Plaintiff

submitted that the Second Defendant fraudulently got executed release deed from her and sold the suit schedule property to the Plaintiff. The Plaintiff has placed Record of Right, Mutation entry, Xerox copy of the release deed, Xerox copy of sale deed and Xerox copy General Power of Attorney. It is to be noticed that the Second Defendant has executed sale deed in favour of First Defendant on 30/01/2006. The alleged release deed has been executed on 11/10/2004.

**3.** The Plaintiff submitted that the properties are jointly owned by the Plaintiff and Second Defendant and their brother. The Second Defendant has fraudulently executed the release deed by obtaining Plaintiff's signature. On the basis of the same she got the properties transferred in her name and she has sold it.

**4.** It is to be noticed that the properties were sold in the year 2006. The Plaintiff submits that she is in possession of the property. The Plaintiff has not placed any photographs with respect to show the possession in suit schedule property. The Plaintiff has not placed latest Record of Rights. However the title deed and the documents placed by the Plaintiff are to be believed by this court with cogent oral evidence.

5. The Plaintiff has not made out case of interference by First Defendant with respect to her peaceful possession. Hence, I feel that passing of an add-interim exparte temporary injunction does not suffice the present circumstance of this suit.

6. Thereby, I proceed to pass following;

**ORDER**

**Office is hereby directed to issue emergent notice on I.A.No.4 against Defendant No.1.**

**Issue suit summons and notice of I.A.4 to both the Defendants.**

**Call on by 03/01/2022.**

**Sd/-**

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