

**ORDER ON IA No.II**

The present IA No.II is u/o 39 rule 1 and 2 filed by applicant/ plaintiff seeking ad-interim exparte Temporary Injunction restraining the defendant No.3 from creating charge encumbrance mortgaging and causing any disturbance a suit schedule property.

In the affidavit, it is stated that the defendant No.3 preparing to create third party charge and alienation of suit schedule property and trying to disturb with the suit schedule property. Hence, prays to grant ad-interim or exparte TI order in favour of plaintiff.

Heard arguments and perused material records.

Present suit is for cancellation of gift deed and consequential relief of Permanent and Mandatory Injunction. Hence, considering the reasons stated in the affidavit and to defeat the delay and to prevent the multiplicity of proceedings, I am of considering view that add-interim exparte TI order is to be granted in favour of plaintiff till the appearance of the defendant No.3 before the Court.

Hence, I proceed to pass the following;

**ORDER**

The IA No.II u/o 39 rule 1 and 2 of CPC is hereby allowed.

The ad-interim exparte TI Order is granted in favour of plaintiff till the appearance of the defendant No.3.

The Defendant No.3 and her agents, servants or any person acting on her behalf are hereby restrained temporarily restraining from alienating, creating any charge or mortgage over the suit schedule and from disturbing and interference with suit schedule property till her appearance before the Court.

The plaintiff is directed to issue notice to defendant No.3 through RPAD for compliance u/o 39 rule 3 of CPC.

Issue S/S to defendants.

Call On: 17-02-2024

*Sd/-*

*Senior Civil Judge, Bhatkal.*