

Order on IA No.III & IV

The I.A. No.IV is filed by the plaintiff under Order 32 Rule 3 of R/W Sec.151 of CPC, seeking permission to appoint defendant No. 1 as the guardian of defendant No. 2. I.A No.III filed by plaintiff for temporary injunction against the defendant No.1.

Perused the plaint, I.A. No. IV, affidavit, and documents.

On considering and assessing the plaint averments and I.A., affidavit, it is clear that the defendant No.2 is minor. Hence, at this stage of the litigation, this Court is of the opinion that the appointment of a guardian is just and necessary.

The plaintiff has filed this suit against the defendants for the relief of partition. The Plaintiff has filed IA No.III U/o 39 Rule 1 and 2 R/w 151 of CPC for grant of ad-interim temporary injunction against defendant No.1.

Heard plaintiff counsel on IA No.III and perused the plaint

averments and affidavit filed in support of IA No.III along with documents produced by the plaintiff.

I have perused the plaint and I.A.No. III and affidavit sworn by the plaintiff and the documents filed along with the list. On going through the document this court is of the opinion that its necessary to hear the defendants and pass order on IA No.III. Hence, without hearing of the other side, an exparte temporary injunction cannot be granted. Hence I proceed to pass following :-

ORDER

Issue emergent notice of I.A.No. III and suit summons to the defendants.

I.A.No.IV filed by the plaintiff U/O 32 Rule 1 and 2 of CPC is hereby allowed. Defendant No.1 appointed as the guardian to represent the minor defendant No.2.

Call on 04-03-2026.

OS No.26/2026

Sd/-

**Addl. Civil Judge and JMFC.,
Honnavar.**