

ORDER ON I.A. NO.II

The plaintiff filed this suit for the relief of declaration. The plaintiff has filed I.A. No. II under Order 39 Rule 1 and 2 read with Section 151 of the C.P.C., seeking an order of ex-parte ad-interim temporary injunction against the defendants from restraining them from alienating and mortgaging the property till disposal of the suit.

Perused the plaint, I.A. No.II filed under Order 39 Rule 1 and 2 read with Section 151 of the C.P.C., the connected affidavit sworn by the plaintiff, and documents placed on record.

Heard, counsel for the plaintiff on I.A. No. II. It can be seen from the agreement on record that the Shanmuka Laxmi Narayan Hegde has executed a Sale Agreement in favour of Shreedhar Mahabaleshwar Hegde in respect of suit schedule properties and on perusal of RTC of suit schedule property now the property is in the name of Sudha Shanmuka Hegde. Considering the nature of the suit and the documents filed along with the plaint, this court is of the opinion that ordering notice to the opponent would delay the proceedings and result in multiplicity of proceedings. Hence, preserving the said property in the same status is necessary, otherwise, the case of the plaintiff would be frustrated, and if notice is

ordered, the very purpose of the I.A. will be defeated, and the plaintiff will be put to great hardship. Hence, this court partly allows I.A No.II and proceeds to pass the following:-

ORDER

Issue order of ex-parte temporary injunction, restraining the defendants from alienating the property till the disposal of the suit.

The plaintiff to comply with Order 39 Rule 3(a) of C.P.C. If compliance is reported, issue emergent notice on I.A. No. II and suit summons to the defendants.

Call on 22.07.2025.

Sd/-

**Addl. Civil Judge & J.M.F.C.
Honnavar.**