

Orders on I.A.No.II

Heard on I.A.No.II. Wherein, this application is filed under Order XXXIX Rule 1 and 2 r/w Sec.94 © and 151 of C.P.C. restraining the defendant No.38 to 41 or anybody claiming through them from alienating or encumbering, creating 3rd party interest over the plaint properties.

Perused the case records. Wherein, the suit is filed for the partition dividing the plaint 'A' schedule property fully described into the 7 fair and equal shares having due regard to good and bad soil and allotment and delivery of one such share to the plaintiffs along with other reliefs.

Perused the contents of the plaint for better appreciation. Wherein, the plaintiffs submits that late Mrs. Seethu Hengsu, D/o. Mr. Koti Poojary and late Mrs. Bagi Hengsu are the earliest known common ancestors of the plaintiffs and defendants and they have share in respect of suit schedule property. Now at this stage if one peruses the documents pertaining to the schedule property more particularly the R.T.C. it is reflecting in the name of one Vasanthi Mohan bin Jalaja V. Suvarna. Now the plaintiff under apprehension that by misusing entries in the record of rights, the defendant No.38 to 41 might alienate the suit schedule property defeating the legitimate shares of the plaintiff. So therefore at this stage

prays to issue exparte order against the defendant No.38 to 41.

After having perused the documents more particularly R.T.C. which is standing in the name of Vasanthi Mohan Bin Jalaja B. Suvana. They might alienate the property and if at this stage the exparte orders are not issued then if subject matter of the suit is alienate then very purpose of filing the suit and this application will be defeated. So therefore at this stage the court is of the opinion that plaintiffs deserves an exparte order against the defendants. So therefore this court proceed to pass the following:

ORDER

Exparte order stands issued.

The defendant No.38 to 41 or anybody claiming through them is hereby restrained from alienating or encumbering, creating charge in respect of suit schedule property until next date of hearing.

Office is permitted to issue copy of exparte order only if plaintiffs complies Order XXXIX Rule 3AB of C.P.C.

O.S.No.8/2025

Issue emergent notice on I.A.No.II
and suit summons to all the defendants
returnable by 27.01.2025.

(Santhosh Srivastava)
Addl. Senior Civil Judge and A.C.J.M.,
Udupi.