

Heard Shri.ANK Advocate on I.A.No.2 and 3. Perused plaint and documents produced in this suit. The suit is one for Declaration that, Power of Attorney dated 01.12.2020, Sale deed dated 02.11.2021 and Sale deed dated 16.04.2022 executed by Defendant No.1 as a Power of Attorney Holder in favour of Defendant No.2 are null and void. The Plaintiffs have also sought for Consequential relief of Perpetual Injunction restraining the Defendants from interfering with the possession and enjoyment of suit schedule properties of plaintiffs.

The Plaintiffs have produced certified copy of the Sale deed dated 04.11.2008 which shows that, Plaintiffs have purchased the suit property. It is also clear from RTC and Mutation Extract from names of Plaintiff has been duly mutated in the RTC. The Plaintiffs are challenging the Power of Attorney dated 01.12.2020 stating that, same is executed by some other persons impersonating the Plaintiffs. I have perused the Aadhaar card, PAN card of Plaintiffs with certified copy of the Power of Attorney dated 01.12.2020. The PAN Card mentioned in the Power of Attorney and that of Plaintiffs are different. Even the

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photographs if seen then also prima facie the General Power of Attorney seems to be not executed by Plaintiffs but by some other persons. So, the Sale deed under challenge cannot be considered and prima facie Plaintiffs have shown that, they are the owners of the properties as per Registered Sale deed dated 04.11.2008. The apprehension of the plaintiffs is that, by taking advantage of Sale deed dated 16.04.2022 defendant No.2 is trying to alienate the suit property which will affect the interest of the plaintiffs. There is no ground to disbelieve the apprehension of the plaintiffs regarding alienation and interference by the Defendants. These being the case in my consider view, plaintiffs have made out prima facie case to grant exparte temporary injunction against the Defendant No.1 and 2 restraining them from alienating the suit schedule property and also interfering with possession of the Plaintiffs. Hence, I proceed to pass following:-

ORDER

**Issue Exparte temporary
injunction against the defendant No.1
and 2 restraining them from
alienating suit schedule properties as
prayed in IA No.2 and interfering with
possession and enjoyment of suit**

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schedule property by the Plaintiffs as prayed in IA No.3 till next date of hearing.

The plaintiffs are hereby directed to comply with the provision of Order XXXIX Rule 3 CPC.

It is further ordered that as per Rule 6(3) of Karnataka Case Flow Management Rules, Interim Ex-parte order granted shall not be communicated to the other side, and certified copy of this order shall not be issued until plaintiffs complies with the provision of Rule 3 of Order XXXIX CPC.

Issue temporary Injunction order, suit summons and emergent notice of I.A.No.2 and 3 to the defendants after compliance.

Returnable by 03.08.2022

Sd/-

**Principal Senior Civil Judge and CJM,
Belagavi**