

16.10.2024

The plaintiff has filed the present suit for the relief of Declaration and other consequential reliefs.

I.A.No.3 has been filed by the counsel for the plaintiff under Order 32 Rule 3 of C.P.C. to appoint the defendant No.6 as minor guardian of defendants No.8 and 9.

Heard and since reasons are made out, I.A.No.3 is allowed and the defendant No.6 is appointed as natural guardian of minor defendants No.8 and 9.

Along with the plaint, the plaintiff has submitted I.A.No. 2 under Order 39 Rule 1 & 2 R/w Sec.151 of C.P.C. seeking to restrain the defendant No.14 from alienating the suit schedule property till disposal of suit.

I.A. No.3 has been filed U/o 39 rule 1 and 2 of CPC to restrain the defendants from interfering in the peaceful possession and enjoyment of the plaintiff over the suit schedule property till disposal of suit.

Heard.

On going through the plaint and the documents on record, there is reasonable apprehension of suit schedule property being sold in favour of 3rd person. There is also instant threat of interference by defendants in the peaceful possession and enjoyment of the plaintiff over the suit property. If the temporary injunction is not granted as sought in I.A. No. 2 and 3 at this stage, there is possibility of rights of plaintiff being curtailed. In order to avoid multiplicity of proceedings it is

necessary to pass restraining order in respect of I.A. No.2 and 3.
In view of this I proceed to pass the following :

ORDER

The defendant No.14 is restrained by way of ex-parte ad-interim temporary injunction from alienating the suit property to the 3rd parties till next date of hearing.

The defendants are restrained by way of ex-parte ad-interim temporary injunction from interfering with peaceful possession and enjoyment of the plaintiff over the suit property till next date of hearing.

The plaintiff shall comply order 39 Rule 3 (A) of C.P.C. in respect of I.A. No.1.

Issue suit summons to defendant through R.P.A.D. and through Court along with interim order passed on I.A. No.3 and issue notice of interim order passed on I.A. No.2 to the defendant No.14, if P.F. paid.

R/by : 29.11.2024.

**Addl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**