

Perused I.A.No.II filed by the plaintiff U/o 39 Rule 1 and 2 R/w Section 151 of CPC.

The prayer made under the application is to grant an order of temporary prohibitory injunction restraining the Defendants 1 to 5 from alienating, transferring, leasing, mortgaging or creating any kind of charge or causing any waste or damage to the plaint 'A' and 'B' schedule properties and also pass an ex parte ad-interim order of injunction to the above effect, pending notice to the opponents and disposal of this application.

In the Affidavit, appended to the application, plaintiff ventilated her grievance that, the defendants are trying to alienate the plaint 'A' and 'B' schedule properties and in that event, plaintiff will be put to irreparable loss and hardship.

The suit is filed for Declaration and Partition. When the prayer made under the present application is analyzed in the backdrop of documents placed before court, the court find substance in the grievance of plaintiff. Wherefore, in this suit for declaration and partition, if an order of temporary injunction, in terms

sought is denied, it would cause hardship to the plaintiff and also leads to multiplicity of proceedings. Hence, the following order:

ORDER

Temporary Injunction order as sought under I.A.No.II is hereby granted till the next date of hearing.

The plaintiff shall comply Order 39 Rule 3 of CPC.

Issue suit summons and notice on the present application to the Defendants 1 to 5 with indication to file the written statement within 30 days from the date of receipt of suit summons, returnable by 26.05.2021.

Prl. Sr. C.J. & CJM
Mangaluru.