

The present suit has been filed by the Plaintiffs seeking a decree for partition and separate possession along with an application to restrain the Defendants from alienating, encumbering or creating third party rights in respect of the suit item No.1 property and not to put any construction over the suit item No.2 pending disposal of the above suit.

Having heard the counsel for the Plaintiffs and perusing the documents viz the Genealogical tree and RTC extracts, since this is a suit for partition I am of the opinion that in the event this court were not to grant an order of temporary injunction without first issuing notice to the Defendants as contemplated under Order 39 Rule 3 CPC, if the Defendants were to alienate, encumber or create third party rights in respect of the suit properties by the next date of hearing, it may result in multiplicity of proceedings and prejudice to the Plaintiffs. However the prayer in so far as an injunction to restrain the Defendants from putting up construction is concerned, it has to be said that such a prayer without examining the entitlement of the parties to their respective shares, which can happen only after

trial, cannot be granted at this stage. Hence I pass the following:

ORDER

The Defendants are restrained from alienating, encumbering or creating third party rights in respect of the suit properties till the next date of hearing.

Issue Suit summons to the Defendants and emergent notice on I.A 1 returnable by 24.05.2023

Office to issue a copy of the order if only the Plaintiffs comply with Order 39 Rule 3 CPC

Call on 24.05.2023

CIVIL JUDGE, HOLENARSIPURA