

Order on IA-I - U/O. 39 Rule 1 & 2 of CPC

Sri H.U.Achamatti has files Civil Misc. application U/sec. 22 of the Act he submits that property S.R.No.119/2 is situated within the limits of this court. Earlier the Petitioner and Respondent have filed suit O.S. 16/2008 before Sr.Civil Judge Ramdurg ultimate the suit is decreed and FDP No. 3 /2011 was filed. During the final decree proceedings the parties have compromise amicably. As per the compromise petition, the present respondent has got 30 gunta in her name. The respondent is permanent resident of Hubli, Dharwad District. Now she is trying to alienate the said property in favour of third party. The present Petitioner being the solo brother has filed the present Miscellaneous Application for considering his right and purchasing the said property on preferential right.

Further the plaintiff has filed I.A.I. U/o. 39 Rule 1 and 2 and counsel for petitioner vehemently argued that if the properties sold and the respondent is successful then the filing of the very same petition is infructuous. Hence he prays to allow the application and interest of justice and equity.

I have peruse the decree passed by the Hon'ble Sr. Civil Judge and also copy of the compromise petition. It is true that the property 30 Gunta fallen to the share of respondent and as per the contention the petitioner being the brother he has the preferential right to purchase over the property. Hence prima-facie I find force in the arguments of the counsel and documents. Further if temporary injunction is not granted then hardship is cause to the petitioner. Hence I proceed to pass the following:

Order

The ad-interim exparte temporary injunction is granted till next date of hearing.

Petitioner is hereby directed to comply the order as per Order 39 Rule 3(a) of
CPC.

Issue summons to respondent and emergent notice of IA-I to the respondent.

R/by: 16/04/2018.

Civil Judge, Ramdurg.