



2.. For the sake of convenience, parties are referred to as they are referred to in the suit before the trial Court.

3. it is the case of the plaintiff jféisfffthe daughter of BM. Puttaswarny. The first defe\_ndanti' brother. The second defendantis'he'r7«.sister';f«. \_VShit in';/~\' scheduie property was owned fath,e'r.'A' " death of her father, the □st"i'rdefendafitV\_ Became the 'kartha' and rnanage:r""i~i\_of is "not effecting partition and giving share in suit 'A' scheduie propevrtyffn'1"Ther'efore,%she has brought this suit for partition possession of her 1 /353 share in the suit gpschfedniewproperty. Along with the suit, she made than vapfpieatvien und'erfOrder 39 Rules 1 and 2, seeking an A'ordergfoffi?ernp~orary injunction restraining the defendant from a].ie11-ating the suit property. The trial Court by :\_"impngn'ed order ailowed the application and granted r.-t'ernpora1'y injunction restraining the first defendant from alienating the suit 'A' schedule property and against which, the first defendant has come in appeal.

4. Sri. Nagabhushan, learned for the first defendant submits, Suit..\_ "A' . 1 originally belonged to one B.M.PuttasWamy, the fat1{eg'--~.,,Qf "arid the defendants as executvorgto carrjgr. During his life time, Puttaswarny' the desire of Rangarnma. :Ther'efor§e: first defendant to carry outflthe. subinission that when the pla.inti.gtff"isV that the suit property belonged she has right over the same, question of kind of injunction including the 'one'i'gran:'ted thelutrrial Court does not arise. By virtue of granted by the trial Court, the first defendant unable to ful□□ and carry out the desire of Therefore, he prays for allowing the appeal l setting aside the impugned order. □eg.

5. The second defendant, who is the sister of the plaintiff, supported the case of the first defendant.

6. The learned Counsel appearing forpptllielglpflaintiff submits. in a suit for partition and separate'Vpgossessoriglif the first defendant who is a rnalev'Jrnlernb.\_eii.\_ ori.At\_he\_Vφ:l\_eath'l'of 7 the father of the plaintiff, oeci/ipies'.th'e \_ position "of and manager if he is not relstrained lfrorln -"alienating the suit property and if alI\_'o'\'iI:eVd'lte..'do.he Certainly alienate the suitVproperty'l'and.lin:» 'a\_'n\_leVent it will Eead to multiplicity" .lanld--l'the...purpose of □ing of this trial has rightly granted temporary "injunction" restraining the defendant from alienating property and therefore he prays for l disrrilssalg ofthe appeal.

the learned Counsef for the parties and "4«..per\_u'sed the impugned order. There is no dispute Jbetween1~-- "the parties that they are the children of g.lB\_;'M.{-luttaswainy and the suit property belonged to 43% Rangamma. She executed a will appointing B.1\ /E. Puttaswamy as executor to carry out certain. in respect of suit 'A' property. Rangamma died.\_\_\_ to the first defendant, I-3.i\ /i. Puttaswamy couid» the acts as desired by" Rangamrna dur.ixngu"hi's..'iife therefore he nominated thertirst defendant \* It is not in dispute that gangainma, revenue records canvied□op he in the name of Puttaswamy after: of the plaintiff and defendants The plaintiff had eXecuted...G\_I5Afiniifavo□ defendant in respect of suit and later she withdrew the same. has not stated what are those pp acts'-he: requiied□ev Carry out immediately and how the in.terest.\_\_\_of Rtaiigainma will be affected if he is restrained from of suit 'A' schedule property till the 'V.\_pdispos.a:i=:ofV the suit on merits. Considering the nature of A ":ff"thVef""s\_uit that it is one for partition, the triad Court is ju□stified in granting temporary injunction, restraining the (Lg.

first defendant from alienating to the extent of the plaintiffs 1/ 1351 share in suit 'A' schedule property. As such, I do not find any illegality or irregularity in the order of the trial court and does not call for interference or setting aside of the order at this stage. The learned counsel for the defendant appellant herein submits that the order of the trial court is a "direction" issued to the trial court to dispose of the suit expeditiously.

8. Hence I pass the following order: The appeal is dismissed and the trial court's order is set aside. The suit is directed to be disposed of on its merits and in accordance with law within one year from the date of receipt of a final order, and the parties to the suit are directed to cooperate with the trial court to dispose of the suit as directed by this Court. No order as to costs.

Sd/-

JUDGE