

Heard,

Perused the plaint averments, I.A. No.1, contents of affidavit filed in support of I.A. No.1 and suit documents.

On perusal of the said documents, I am of the opinion that the plaintiffs have made out a prima facie case, to grant an ad-interim exparte temporary injunction.

It is the case of the plaintiffs that they have got 1/5th share each in the suit schedule property and the defendant is trying to alienate the suit schedule property without effecting partition in the suit schedule property and gave their legitimate shares. This suit is filed by the plaintiffs for partition and separate possession of their share in the suit schedule property. Under the circumstances, if the temporary injunction is not granted as prayed by the plaintiffs, the defendant may sell the suit schedule property and the very purpose of the suit and object of granting the temporary injunction would be defeated by way of delay. In view of this, I feel it is fit case to grant an ad-interim exparte temporary injunction, restraining the defendant from alienating the suit schedule property. Further, situation is warranted to grant an ad interim temporary injunction. To avoid multiplicity of proceedings, it is just and proper to restrain the defendant from alienating the suit schedule property. Being of that opinion, I proceed to pass the following:

ORDER

Issue ad-interim exparte temporary injunction restraining the defendant, his agents or anybody acting on behalf of defendant, from

alienating the suit schedule property as prayed for, in the I.A. No.1, till next date of hearing.

The plaintiffs shall comply the provisions contemplated under order 39 rule 3(a) of C.P.C.

Issue temporary injunction warrant, suit summons and emergent notice of I.A. No.1 to the defendant, returnable by 02.03.2019.

II Addl. C.C. & Sessions Judge,
Bengaluru.