



**ORDER ON I.A.No.I UNDER ORDER XXXIX RULE 1 AND  
2 R/W SECTION 151 OF CPC**

This I.A is filed under Order XXXIX Rule 1 and 2 r/w Section 151 of CPC seeking relief of Ad-Interim Injunction in order to restrain the defendants No.28, 37, 38 and 39, their agents, servants and/or anybody acting on their behalf from alienating and/or from making any type of encumbrance over the suit properties.

**2.** In the affidavit it is deposed by the plaintiff that the defendants are not affecting partition despite demand by the plaintiffs and are trying to alienate the suit properties, despite taking of public notice which will deprive their legitimate share.

**3.** The counsel for defendants have not filed objections.

**4.** Based on the pleadings set forth in the I.A and the following points arise for the determination of this Court;

**POINTS**

1. Whether the plaintiffs have made out sufficient grounds to obtain the relief as sought for in the I.A?
2. What order?

**5.** After hearing the counsel for plaintiffs and placing emphasis on the submissions of the counsel, pleadings of the parties and the documents produced before the court. This court answers the aforementioned points as under;

***Point No.1:*** *In the Affirmative,*

***Point No.2:*** *As per the final order  
for the following;*

**REASONS**

**6. POINT No.1:-** Perused the plaint averments and the reasons cited in the affidavit, since the suit is filed seeking the relief of Partition and Separate Possession, if this I.A is not allowed the very purpose of filing the suit would be rendered infructuous.

**7.** Perused the Notarized true copy of M.R bearing No.2095 dated 16.02.2001 in respect of Sy. No. 177/1A and 177/10 along with translated copy, Record of Rights in Sy. No. 177/1A and 177/10 and paper publication, which shows that the plaintiffs have made out prima-facie case and if this I.A is not allowed plaintiffs would be deprived of their rights. Based on the discussion made above, **this Court has answers Point No.1 in the Affirmative.**

**8. POINT No.2:-** In view of the affirmative findings arrived at Point No.1, this Court proceeds to pass the following;

**ORDER**

***I.A.No.I filed under Order XXXIX  
Rule 1 and 2 r/w Section 151 of CPC is  
hereby allowed.***

***Defendant No.28, 37, 38 39, their  
agents, servants, and /or anybody acting  
on their behalf is hereby restrained from  
alienating and/or from making any type of  
encumbrance over the suit properties until  
further orders.***

***For framing of issues by 28.08.2025.***

**Sd/-  
IV Addl. Civil Judge and JMFC,  
Belagavi.**