

KABG040028102023



27.07.2023

O.S.No.879/2023

ORDER

Heard the learned counsel for the plaintiff on I.A.No.I.

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

I.A.No.I is filed by the plaintiff against the defendants U/O.39 Rules 1 and 2 R/w. Sec.151 of C.P.C. claiming an order of ex-parte temporary injunction restraining the defendants, their agents and servants from alienating the suit property.

The plaintiff has filed this suit for Partition and Separate Possession against the defendants and Permanent Injunction restraining the defendants, their agents and servants from alienating the suit property.

The plaintiff has stated that the defendants are trying to alienate the suit property. He has prayed to allow the application.

The learned counsel for the plaintiff has argued that the defendants have tried to alienate the suit property.

He has further argued that the plaintiff has produced the documents to show his joint possession over the suit property. He has further argued that the documents produced by the plaintiff would show the prima-facie case. He has further argued that if the notice is issued, then very purpose of the institution of the suit would be frustrated and the plaintiff would suffer irreparable loss. He has further argued that it is just and necessary to issue ex-parte T.I. restraining the defendants from alienating the suit property.

By considering the materials available on record, at this stage, the plaintiff has shown prima-facie case to issue ex-parte T.I. order on I.A.No.I. In view of the urgency and apprehension shown by the plaintiff and in order to avoid the multiplicity of proceedings, it is just and essential to pass ex-parte temporary injunction order on I.A.No.I by dispensing with the notice to the defendants. Hence, I proceed to pass the following :

ORDER

The order of Ex-parte Temporary Injunction on I.A.No.I is granted as follows :

The defendants are hereby restrained from alienating the suit property.

The order shall be in force till next date of hearing.

Issue Ex-parte order of temporary injunction if provision of Order 39 Rule 3(a) & (b) of the C.P.C is complied.

After due compliance, issue notice on I.A.No.I, Ex-parte T.I. order and issue suit summons to the defendants through emergent process.

**Prl. Civil Judge & J.M.F.C.,
Belagavi.**

For appearance of defendants by 07.08.2023.

**Prl. Civil Judge & J.M.F.C.,
Belagavi.**