

OS.No.217/2023

Heard the learned advocate for plaintiff and perused the plaint averments, affidavit filed in support of IA No.I and suit documents.

The plaintiffs have filed this suit seeking the relief of Partition and Separate Possession and Injunction. It is the case of the plaintiff that himself and defendants no.1 and 2 constitute joint family. Originally Bharama Laxman Khot was having the agricultural lands and after his death his heirs, including the defendant no.1, inherited the property. They have bifurcated the suit lands as per convenience and possession. The defendants no.1, 3 and 4 colluding with each other have executed gift deed on 27.06.2023.

The plaintiff has produced copy of the RTC extracts, certified of the mutation extracts, gift deed, affidavit and other documents.

On perusal of the documents produced at this stage, this Court is of the opinion that the plaintiff has made out a prima-facie case for grant of order of ad-interim ex-parte temporary injunction restraining the defendants no.1, 3 and 4 from alienating the suit properties. If the notice of IA.No.I were to be issued, the object of granting ad-interim relief will be defeated by delay in service of the notice and in such circumstances, the right of the plaintiff will be defeated. In the facts and circumstances of the case, this court is satisfied with the object of granting ex-parte injunction. Hence this court proceed to pass the following;

ORDER

Issue ad-Interim ex-parte Injunction order against the defendants no.1, 3 and 4 and men on their behalf from alienating the suit schedule properties, till next date.

The plaintiff is hereby directed to comply with the mandatory provisions of order 39 Rule 3(a) of CPC.

Issue notice on orders on IA.No.1 and suit summons to the defendants. Returnable by **28.07.2023.**

Sd/-

I Addl C.J & JMFC, Chikodi.