

**FIRST ORDER**

This is a suit filed by the plaintiffs for the relief of partition and separate possession against the defendants. Along with the suit plaintiffs have filed I.A.No.I U/O 39 R 1 & 2 of CPC and prayed for Ex-parte T.I. against the defendants No. 1 to 7 restraining them from alienating the suit A schedule properties in any manner pending disposal of suit.

Heard arguments on I.A. perused the sworn affidavits filed in support of the said I.A, plaint averments and documents produced by the plaintiffs in support of their case.

In support of IA No.I plaintiff No.1 has filed his affidavit and stated that, plaintiffs along with defendants No. 1 to 7 are members of joint Hindu family and suit schedule properties are their joint family ancestral properties. and they are in joint possession and enjoyment of the schedule properties without any partition by meets and bounds. However, now defendants No. 1 to 7 taking the advantage of their names appearing in the suit properties trying to alienate the same. It is stated that, if suit A schedule properties are alienated, it will defeat the valuable right of the plaintiffs in the suit properties and they will be put to irreparable loss and hardship. Hence, plaintiffs prayed for TI.

On perusal of the documents and other material on hand, it is observed that, now the suit A schedule properties are jointly standing in the names of plaintiffs and defendants No. 1 to 7. Now plaintiffs claiming their 1/9th share each on the ground that suit properties are

their joint family properties. Under such circumstances if suit A schedule properties are alienated, it leads to multiplicity proceedings. Hence, at this stage, I am of the opinion that, the plaintiffs have made out sufficient and reasonable grounds for grant of ex-parte TI as per IA-I and if Ex-parte T.I. is not granted, the plaintiffs will be put to irreparable loss and hardship. Hence, I am of the opinion that, to avoid multiplicity of proceedings, it is just and necessary to issue ex-parte T.I. Hence, notice dispensed. The defendants No. 1 to 7 or anybody claiming through them are hereby restrained by way of Ad-Interim temporary injunction from alienating the suit properties as described in the plaint A schedule in any manner until next date of hearing.

The plaintiffs are directed to comply the procedure as contemplated U/O 39 Rule 3 of CPC in respect of IA-I.

Issue T.I. order on IA-I to defendants No. 1 to 7 and suit summons to all defendants, if compliance made and proper PF is paid.

Call on: 03-07-2023

SD/-  
**(K.S.Rotter)**  
**Senior Civil Judge,Hukkeri**