

FIRST ORDER

This is a suit filed by the plaintiff for the relief of partition and separate possession against the defendants. Along with the suit plaintiff has filed I.A.No.I U/O 39 R 1 & 2 of CPC and prayed for Ex-parte T.I. against the defendants restraining them from alienating the suit A and B 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 plaintiff in support of her case.

Further KBK Adv produced School certificate of plaintiff.

In support of IA plaintiff Smt.Sonabai Urf Malati has filed her affidavit and stated that, she along with defendants No.1 and 2 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 but the defendants without her knowledge have got created the documents and entered the names of defendant No.3 to the one of the suit property. Now defendants without allotting her 1/2 share trying to alienate the suit properties. It is stated that, if suit properties are alienated, it will defeat the valuable right of the plaintiff in the suit properties and she will be put to irreparable loss and hardship. Hence, plaintiff prayed for TI.

On perusal of the documents and other material on hand, it is observed that, originally suit properties belonging to propositus Narayan and now the suit properties are jointly standing in the names of defendants and now plaintiff claiming the share on the ground that suit properties are their joint family properties. Under such circumstances if suit properties are alienated, it will lead to multiplicity of proceedings. Hence, at this stage, I am of the opinion that, the plaintiff has made out sufficient and reasonable grounds for grant of ex-parte T.I. as per IA-I and if Ex-parte T.I. is not granted, the plaintiff 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 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 and B schedule properties in any manner until next date of hearing.

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

Issue T.I. order on IA-I and suit summons to all defendants, if compliance made and proper PF is paid.

Call on: 10-07-2023

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