

01-07-2021

The plaintiff has filed the above suit for the relief of partition and separate possession in respect item No.1 and 2 of plaint schedule properties (which include totally six properties alleged to be bounded by common boundaries as mentioned in the plaint schedule).

The plaintiff has filed I.A. No. I U/O. 39 Rule 1 and 2 of C.P.C. seeking to restrain the defendants No.2 to 11 from alienating the plaint schedule properties. It is the case of the plaintiff that, plaintiff and defendant No.1 are brothers and the properties are standing in the name of defendant No.1 and there is no partition between the plaintiff and defendant No.1. Such being the case, the defendants No.2 to 11 have got change of khatha of some of the plaint schedule properties and these defendants are making hurried attempts to alienate the properties. Since the properties are ancestral and joint family properties of the plaintiff and defendants and therefore, if the defendants No.2 to 11 have not restrained from alienation of the said properties, the same may leads to multiplicity of proceedings. For these reasons, the plaintiff has prayed for ex-parte temporary injunction order restraining the defendants No.2 to 11 from alienating the plaint schedule properties.

Perused the affidavit of the plaintiff along with the documents filed by him and by believing the contents of the affidavit and documents as true, this Court is of the considered opinion that, the plaint schedule properties need to be protected from being alienated. With that observation, the Court proceeds to pass the following;

ORDER

The I.A. No. I is allowed.

The defendants No.2 to 11 are restrained from alienating the plaint schedule properties by way of ex-parte temporary injunction order till next date of hearing.

The above order is confined only to the defendants No.2 to 11 and the plaint schedule properties and it will not be extended if any more defendants and more properties are included in future.

The plaintiff shall comply the provisions of Order 39 Rule 3 of C.P.C.

Issue certified copy of this order to the plaintiff only after compliance.

Issue suit summons, I.A. notice
and T.I. order to the defendants No.1
to 11.

Returnable by: **02-08-2021.**

**(Dictated to the Typist in the open Court, typed by her and corrected by
me and pronounced after correction in the open Court)**

**Prl. Senior Civil Judge and JMFC,
Devanahalli.**