

Case called out.

Plaintiff is absent.

Heard the arguments advanced by
the counsel appeared for plaintiff on
IA No.1.

ORDER

The plaintiff has filed the IA No.I under Order XXXIX, Rule 1 and 2 of Civil Procedure Code, 1908 praying for grant of ad-interim temporary injunction for restraining the defendants from creating 3rd party rights over the suit property during pendency of the suit.

IA No.I is supported with affidavit duly sworn by the applicant/plaintiff. It is stated in the affidavit that the plaintiff and defendants are the members of are the members of Hindu Undivided joint family; suit land is the joint family properties; all are in joint possession and enjoyment of the suit schedule properties; all are having undivided interest therein and partition is not taken place among them. It is further stated that facts being so after the death of Sri V. Krishnmurthy katha has been mutated in the name of defendants and now, by taking undue advantage of katha, they are trying to alienate the suit properties and hence, the plaintiff has instituted the present suit along with IA No.1.

Perused the application, affidavit filed in support of application, plaint averments and documents placed on record.

On combined reading of the application, affidavit filed in support of application, plaint averments and documents placed on record, they shows that the plaintiff and defendants are the members of are the members of Hindu Undivided joint family; suit land is the joint family properties; all are in joint possession and enjoyment of the suit schedule properties; all are having undivided interest therein and partition is not taken place among them. They also shows that defendants have got mutated their names in the revenue records. By looking to the fact and circumstances of the case, it appears to me that defendants may create

third party rights over the suit properties and in that event it multiplies the proceedings and it will cause hardship and inconvenience to the plaintiff. Hence at this state I am of the opinion that the apprehension of the plaintiff is well founded and in order to avoid the multiplicity of the litigation, passing of ex-parte temporary injunction is the need of the situation. Hence I proceed to pass the following:

ORDER

The defendants are hereby restrained from creating third party rights over the suit properties by way of ad-interim temporary injunction.

This order will be in force till filing of objection to IA No.I by the defendants.

The plaintiff is directed to comply mandatory provision of Order XXXIX, Rule 3 (a) and (b) of Civil Procedure Code, 1908.

Issue this ex-parte order of temporary injunction if mandatory provision is complied.

Issue suit summons and notice on IA No.I to defendants.

Returnable by: 28-01-2025

**Prl. Senior Civil Judge & J.M.F.C.
Devanahalli.**