

Case called out.

Plaintiff is absent.

Heard the arguments advanced by the counsel appeared for plaintiff on IA No.2.

ORDER

The applicants/plaintiffs have filed the IA No.2 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 third party rights over the suit schedule property during pendency of the suit.

IA No.I is supported with affidavit duly sworn by the applicant/plaintiff No.1. It is stated in the affidavit that the plaintiffs and defendant No.1 to 19 are the members of are the members of Hindu Undivided joint family; suit property is the joint family property; all are in joint possession and enjoyment of the suit schedule property; all are having undivided interest therein and partition is not taken place among them. It is further stated that now, the defendant No.1 to 19 have executed sale agreement in favour of defendant No.20 and they are trying to create third party rights over the suit property and hence, the plaintiffs have instituted the present suit along with IA No.2.

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 plaintiffs and defendant No.1 to 19 are the members of Hindu Undivided joint family; suit property is the joint family property; all are in joint possession and enjoyment of the suit schedule property; all are having undivided interest therein and partition is not taken place among them. They have also shows that the defendant No.1 to 19 have executed sale agreement in favour of defendant No.20. 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 plaintiffs. Hence at this state I am of the opinion that the apprehension of the plaintiffs 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.2 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.2 to defendants and only notice on IA No.1 to defendant No.16.

Returnable by: 10-02-2025.

Sd/-

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