

OS 16/2025

## **ORDER S**

The suit of the plaintiffs is one for the relief of partition and separate possession. I.A.No.1 is filed under Order 39 Rule 1 & 2 of C.P.C seeking *ex-parte* restraint orders against the defendants from alienating the suit/application schedule properties to anybody in any manner or from creating any charge over the same.

2. Heard arguments. Perused records.

3. It is the case of the plaintiffs that the suit schedule properties are the joint family properties and the defendants are trying to dispose of the same. The documents produced by the plaintiffs goes to show that the defendants Nos.1 and 2 and the father of the defendants Nos.,3 and 4 have entered into registered partition deed between themselves on 23-02-2021. The plaintiffs Nos.1 and 2 are the daughters of the defendant No.1. Under the present application, the plaintiffs are seeking order of temporary injunction, in respect of all the properties mentioned under the said sale deed and not in respect of the properties fallen to the share of the defendant No.1 alone. Thus under these circumstances, before adverting to pass any order on IA No.1, the interest of justice warrants that the other defendants are to be heard. The plaintiff has not made out *prima facie* case in their favour at this juncture. In the light of foregoing discussions, this court proceeds to pass the following:

**ORDER**

**Issue emergent notice on  
I.A.No.1 and suit summons to  
the defendants by way of RPAD  
returnable by 6-03-2025**

Senior Civil Judge & JMFC,  
Challakere

