

O.S. No.139 / 2019

Heard, Sri. B.N.T., Counsel for the plaintiffs, the plaintiffs have filed this suit against the defendants, for the relief of partition and separate possession of the suit schedule property.

In this case, plaintiff prayed for ex-parte temporary injunction against the defendant No.1, 4 and 5 not to alienate the suit schedule property in any manner as stated in the application.

Perused the plaint averments and affidavit filed in support of I.A. No. I along with suit documents produced by the plaintiff, in support of his case. Plaintiffs have filed this suit for the relief of partition and separate possession of the suit schedule property. The counsel for plaintiffs, at the time of argument submits that, the suit schedule properties are ancestral and joint family property of plaintiffs and defendants. There is every likelihood that, the defendant No.1, 4 and 5 may alienate the suit schedule property and deprive the plaintiffs from having their legitimate share. Looking to the pleading and documents, this court come to conclusion that, if ex-parte injunction is not granted, the very purpose of filing of the suit will not survive. Therefore, at this juncture plaintiffs have made out prima-facie case for ex-parte order prayed by them I.A. No. I. Hence, this court issued ad-interim injunction against the defendant No.1, 4 and 5 not to alienate the suit

schedule property till next date of hearing.

The plaintiffs are hereby directed to comply the mandatory provisions of U/O 39 Rule 3 of CPC.

Office is hereby directed to not to supply the certified copy of the same unless and until comply the provisions of CPC by the plaintiffs U/O 39 Rule 3.

Issue suit summons all the defendants and I.A. Notice as well as suit summons to the defendant No.1, 4 and 5 , if PF paid. Returnable by 24.09.2019.

(N.B. Shaikh)
Prl. Civil Judge and JMFC, Hiriur.