

Heard Sri. GHM, Advocate for plaintiff on I.A.No.I.

2. Perused the plaint averments and averments made in the I.A.No.I. The plaintiff has filed the suit against the defendants for partition and separate possession of their share in the suit schedule property.

3. Plaintiff also prayed to declare that the judgment in O.S.No.137/1994 is bad in law and not binding on plaintiffs and also declare that the sale deed dated 14.10.1991 and 17.09.1993 are not binding on the plaintiffs.

4. Plaintiff has filed IA No.I U/o 39 rule 1 and 2 of CPC for grant of ad-interim exparte temporary injunction against the defendants to restrain the defendants their henchmen, agents and anybody acting under them from alienating, the plaint schedule property till disposal of the suit.

5. On the basis of the document filed along with the plaint, I am of the opinion that ordering notice on IA No. 1 to the defendants would delay proceedings and in the results the suit become infructuous in the event of the defendants alienate, creating third party interest over the application schedule property and which will lead to multiplicity of proceedings. In the light of the apprehension of the plaintiff that defendants is making attempt to alienating the application schedule property, hence preserving the said property in the same state is necessary otherwise the plaintiff will be put to untold hardship. Hence, I proceed to pass the following.

### **ORDER**

Issue ad-interim exparte order of temporary injunction, restraining defendants their henchmen, agents

and anybody acting under them from alienating, the application schedule property till next date of hearing.

Issue emergent notice on I.A. No.I along with suit summons to defendants after proper compliance by the plaintiffs under order 39 Rule 3(a) of CPC.

Call on 03/06/2025.

Senior Civil Judge & JMFC.,  
Mudigere.