

**OS 41/2025**

**ORDERS ON I.A.NO.I**

The applicant/plaintiff has filed the present suit against the opponents/defendants for the relief of declaration and partition.

The applicant/plaintiff has filed I.A. No.I under order XXXIX Rule 1 and 2 R/w Section 151 of C.P.C., seeking to grant an exparte ad-interim order of temporary injunction, restraining the defendant No. 4 or any other person acting on behalf of the defendant No. 4 from alienating, transferring, mortgaging, leasing or in any manner encumbering or creating third party interest in respect of the suit schedule 'A' and 'B' properties or any portion thereof pending disposal of the suit.

In the affidavit annexed to the above I.A. it is stated that the suit schedule properties are the joint family properties of the plaintiff and defendant No. 1 to 4. It is further stated that the said properties were subjected to register partition deed, dated 15.10.1999, wherein the 'A' schedule properties of the application were allotted to the parents for their life interest. After the demise of the parents the said properties are devolved upon the plaintiff. But, on 29.6.2006 a fraudulent sale deed has been created by the defendant No. 3 and 4 in favour of defendant No. 4 pertaining to the said 'A' schedule properties. As such, O.S. No. 40/2006 on the file of this Court was filed by the father of the plaintiff and it came to be dismissed on 29.6.2009. Thereupon, R.A. No. 79/2010 was preferred and the said R.A. was also dismissed. Thereupon, the plaintiff therein had preferred R.S.A. No. 461/2013 and 482/2013 before the Hon'ble High Court of Karnataka. The Hon'ble High Court of Karnataka-

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has disposed the said R.S.A. No. 461/2013 and 482/2013 vide judgment dated 31.10.2025 as dismissed as withdrawn with a liberty to the L.Rs. of the deceased appellant therein to institute a fresh and comprehensive suit regarding the property owned and possessed by the wife of the deceased appellant and mother of L.Rs. of deceased appellant therein.

This court has carefully perused the averments stated in the affidavit annexed to the above application and also the genealogical tree, RTC, Mutation Register and other documents. The documents placed by the applicant reveals that, applicant has made out prima-facie case to grant ad interim T.I. order. The applicant is the member of the joint family of the plaintiff and defendant No. 1 to 4. The relief sought in the aforementioned application is to restrain the defendant No. 4 from creating or encumbering the suit schedule properties during the pendency of the suit to avoid multiplicity of proceedings.

Heard the arguments of counsel for the plaintiff and perused the records. If ad interim order is not granted, the applicant/plaintiff would be put into great hardship. Hence, this court proceeds to pass the following order.

**ORDER**

Issue an ad-interim order of exparte temporary injunction restraining the defendant No.4 or any other person on behalf of the defendant No.4 from alienating, transferring, mortgaging, leasing or in any manner encumbering or creating third party interest in respect of the suit schedule 'A' and 'B' properties or any portion thereof till next date of hearing.

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Applicant/ plaintiff shall comply with the provisions under Order 39 Rule 3(a) of CPC.

Issue emergent notice of IA.No.I and II to the defendants returnable by : 26-11-2025.

Issue suit summons to opponent/ defendants if P.F. is paid.

Call on: 26-11-2025.

SD/-  
Civil Judge & JMFC.,  
N.R. Pura.