

IN THE COURT OF THE CIVIL JUDGE AND ADDL. J.M.F.C AT TARIKERE

O.S.No.73/2025

PLAINTIFFS

Sri. Nagarajappa

vs.

DEFENDANTS

Smt. Gowramma and others

Date: 12.02.2024

Proceedings or Orders of the Judicial Officer

AD-INTERIM ORDER ON I.A No.I

Plaintiff has filed this suit praying mainly for the relief of partition and separate possession as against the Defendants in respect of the suit schedule properties.

I.A No.I has been filed under Order XXXIX Rules 1 of CPC praying for an order of temporary injunction against the Opponents/ Defendants No.8 to 14 restraining them, from transferring, alienating or creating any sort of any encumbrance over the suit schedule properties. Prayer is also made to grant an order of ad-interim ex-parte order of temporary injunction. The said application is accompanied with the affidavit sworn to by the Applicant/ Plaintiff detailing reasons supporting his prayer.

The grievance of the Applicant/ Plaintiff, in short is that, the parties to the suit are the members of Hindu undivided joint family and the suit schedule properties are the ancestral and joint family properties of the parties. The Defendants No.8 to 14 by misusing the khata standing in the name of Defendants No.11, have created certain documents intended to defeat the legitimate share of the Plaintiff in the suit schedule properties and are looking to part with the same.

Perused the plaint, application in I.A No.I with affidavit and the documents produced. Heard the Learned Counsel appearing for the Applicant/ Plaintiff.

On perusal of the entire materials placed before this Court, this Court finds considerable force in the submissions made by the Learned Counsel.

In such view of the matter, it would be appropriate to restrain the Opponents/ Defendants No.8 to 14 from transferring, alienating or creating any sort of any encumbrance over the suit schedule properties by way of ad-interim ex-parte order of temporary injunction.

In view of the above it is found that the Applicant/ Plaintiff has made out a prima-facie case and balance of convenience is in favour of the Applicant/ Plaintiff and if an interim injunction is not granted the Applicant/ Plaintiff would be put to irreparable injury and hardship. Moreover, at this stage it appears that the denial of the said relief would be highly prejudicial to the interest of the Applicant/ Plaintiff and the suit itself would be rendered infructuous. Hence, the following –

ORDER

The Opponents/ Defendants No.8 to 14 are hereby restrained from transferring, alienating or creating any sort of any encumbrance over the suit schedule properties, by this ad-interim ex-parte order of temporary injunction.

The order is valid only till the next date of hearing.

Applicant/ Plaintiff shall comply with Order XXXIX Rule 3 of CPC.

Issue suit summons and notice on I.A No.I to the Opponents/ Defendants.

R/by 05.03.2025.

sd/-

Civil Judge & Addl. J.M.F.C,
Tarikere