

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

**O.S.No.366/2025**

**PLAINTIFF**  
Sri. Gangadharappa

**vs.**

**DEFENDANTS**  
Sri. Basappa @ S.H. Basappa and  
others

**Date: 04.09.2025**

**Proceedings or Orders of the Judicial Officer**

Case called out.  
Heard Learned Counsel for Plaintiff.  
For order. Kept by:

sd/-  
Civil Judge & Addl. J.M.F.C,  
Tarikere  
(Itinerate at Ajjampura)

**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 Opponent/ Defendant No.4 restraining him, his representatives, agents or any other persons, from transferring, alienating or creating any sort of any encumbrance over the Item No.1 to 3 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 their ancestral and joint family properties. In this circumstances, the

Defendant No.2 has got executed gift deed in favour of Defendant No.4 through Defendant No. 1 concerning some properties, which is not binding on the share of the Plaintiff. The Plaintiff had approached many a times to deliver the legitimate share in the suit schedule properties from the Defendants, they have refused 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 from transferring, alienating or creating any sort of any encumbrance over the Item No.1 to 3 schedule property 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 Opponent/ Defendant No.4 is hereby restrained from transferring, alienating or creating any sort of any encumbrance over the Item No.1 to 3 schedule properties, by this ad-interim ex-parte order of temporary injunction.

The order is valid till the date of filing of written statement by the Defendants.

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:

sd/-

Civil Judge & Addl. J.M.F.C,  
Tarikere  
(Itinerate at Ajjampura)