

**24.08.2024**

**O.S No.197/2024**

Heard arguments of the plaintiff's counsel on I.A No.I, perused the plaint, I.A.No.I affidavit enclosed to the application and documents submitted by the plaintiff.

As per the office note no caveat is pending.

The plaintiff has filed this suit for partition and separate possession against the defendants. It is

stated that, the plaintiff and defendants are the Hindu undivided joint family members and they are in joint possession and enjoyment of the suit schedule properties without any disturbances. The suit properties not yet been divided between the plaintiffs and defendants by metes and bounds and the plaintiff and defendants are jointly enjoying suit properties. It is apprehension of the plaintiffs that, the defendants are no manner of independent right, title, interest or possession over the suit schedule properties, by making hectic attempt to alienating the suit schedule properties and creating the mortgage to third party interest over the suit property to create nominal sham documents.

On perusal of the documents produced by the plaintiffs i.e., certified copies of RTCs, sale deed, mutation register and Genealogical Tree, the prima-facie it reveals that, the suit properties are the family properties of the plaintiff and defendants, now the defendants are trying alienate the suit schedule properties in favour of 3<sup>rd</sup> parties. If the defendants are alienated schedule properties to 3<sup>rd</sup> parties, they will suffer huge loss and hardship. Hence, at this prima-facie stage it is necessary to restrain the defendants from alienating the suit schedule properties to 3<sup>rd</sup> parties. Thus, to avoid multiplicity of proceedings at this prima-facie stage

it is necessary to restrain the defendants from alienating the suit properties to protect the interest of the plaintiffs. Hence, I proceed to pass the following:

**ORDER**

Issue T.I order restraining the defendants from alienating or creating charge over suit schedule property order granting right over the suit properties till next date of hearing.

The plaintiff shall comply provisions of Order XXXIX Rule 1 and 2 of CPC.

Issue TI order, emergent notice of IA No.I and suit summons to the defendants by 17.09.2024.

**(SHIVAKUMARA.G.J.)  
Prl. Civil Judge and JMFC.,  
Gundlupet.**