

**Order on I.A. No-1**

**U/o 39 R 1 & 2 R/w Sec. 151 of C.P.C.,**

Plaintiff has filed this suit against the defendants for Partition and Separate Possession and also filed I.A.No.1 U/o 39 rule 1 & 2 of C.P.C., seeking for grant of an interim temporary injunction order restraining the D 11 from alienating in suit schedule property.

In the affidavit annexed to the application, the plaintiff stated that, the suit schedule property is ancestral property stood in the name of propositus Ramoji Rao and after his death without the knowledge of the plaintiff, mutated in the name of D 1 and 7 who colluding with other defendants sold suit schedule property in favour of D 11 without the knowledge of the plaintiff. Now the D 11 is trying to alienate the suit schedule property for non agricultural purpose and if the D 11 is succeeded in doing so the plaintiffs will suffer irreparably as the plaintiff got existing rights therein and prays to allow the application.

Perused. The plaint, IA-1 and the documents produced by the plaintiffs. The RTC extracts of suit schedule property was standing in the name of propositus Ramoji Rao. Vide M.R.No.16/2011-12 the revenue records of suit schedule property mutated in the name of D 1 and 7 upon the death of Ramoji Rao. The plaintiff also placed a copy of Rg. Sale Deed dt. 09-02-2024 whereby D 1 and 7 sold the suit schedule property in favour of D 11 and present RTC extract standing in the name of D 11 in respect of suit schedule property. The RTC extract stood in the name of D 1 and 7 clearly shows that, mutation was held on the basis of succession. As per genealogy tree, the plaintiffs are Lrs of deceased Ramoji Rao. As such, the plaintiffs made out prima facie case for issuing T.I. order against D 11 from alienating suit schedule property into non agricultural purpose, otherwise, the purpose of the suit will be frustrated. Accordingly I proceed to pass the following order.

**ORDER**

The IA-1 filed by the plaintiffs U/o 39 R 1 of  
CPC is hereby allowed.

The D 11 is hereby restrained from alienating suit schedule property by converting it into non agricultural purpose in any manner by way of this T.I. order till next date.

The plaintiffs shall comply order U/o 39 R 3(A) of CPC forthwith.

Issue emergent notice on IA-1 to D 11 and issue s/ss to D 1 to 11 and this order copy to D 11 if PF paid R/by. 28-06-2024.

Senior Civil Judge & J.M.F.C.,  
Channagiri.