

ORDER ON IA NO.I

The plaintiff has filed IA No.I U/o 39 Rule 1 & 2 R/w Sec.151 of CPC, seeking ex-parte ad-interim temporary injunction order against the defendants restraining them from alienating or transferring the suit property by any mode of transfer, till disposal of the suit.

The plaintiff has filed affidavit in support of above application, wherein he has contended that, the plaintiff and defendants are members of undivided joint Hindu family and suit properties are undivided joint family properties of the plaintiff and defendants. Meanwhile the plaintiff claiming partition with respect to 1/4th Share in the suit schedule properties and alleged that defendants have fraudulently executed the partition deed dated 06.09.2024 which is not binding on him, the plaintiff and defendants are in joint possession and

enjoyment of the suit schedule properties. That, the plaintiff is having 1/4th share in the suit schedule properties. Even than the defendants are not ready to allot the share of the plaintiff in the suit schedule properties, claiming that they have already effected partition with respect to suit schedule properties among themselves. Further, it is contended that defendants are trying to alienate the suit schedule properties in favour of third person. In such event, the plaintiff will be put to much loss and hardship, which cannot be compensated in terms of money. On the other hand, no hardship or loss will caused to the defendants, the present application is allowed. Hence, prayed to allow the application.

Perused the plaint pleadings, documents produced along with plaint and heard the counsel for the plaintiff.

The plaintiff has filed this suit against the defendants, seeking relief of partition and separate possession of her 1/4th share in the suit schedule properties and to declare the partition deed dated 06.09.2024 as not binding on the share of the plaintiff in the suit schedule properties. The plaint pleadings and the documents produced along with plaint prima-facie goes to show that the suit properties are ancestral joint family properties of

plaintiff and defendants. Further, it reveals that, as on date of filing of this suit the suit schedule properties standing in the name of defendants . In such circumstances, the apprehension of the plaintiff that the defendants will alienate the suit schedule properties, in order to defeat the valuable rights of the plaintiff in the said properties, cannot be overruled.

At this stage, the plaintiff has made out a prima-facie case against the defendants. In such circumstances, if ex-parte temporary injunction order against the defendants are not issued, restraining him from alienating or transferring the suit schedule properties in favour of third person, not only the plaintiff will be put to much loss and hardship, but the very purpose of filing of this suit will also be defeated. Further, it will also lead to multiplicity of proceedings. Therefore, this Court is of the opinion that the plaintiff has made out a case to dispense the issuance of prior notice of present application to defendants. Hence, dispensing the issuance of notice of present application to the defendants and reserving the final order on I.A.No.I, I proceed to pass the following :

ORDER

The defendants are hereby restrained from alienating or transferring the suit schedule properties, by any mode of transfer, till next date of hearing.

The plaintiff shall comply Order XXXIX Rule 3(a) and (b) CPC.

Issue above temporary injunction order, notice on I.A.No.I to defendants and suit summons to the defendants.

It is made clear that if plaintiff not comply the U/O XXXIX Rule 3(a) and (b) of CPC this order stands vacated.

Office is directed to issue certified copy of this order only after compliance of O.39 R.3(a) and (b) of C.P.C and payment of sufficient process fee, copy of the plaint and I.A.No.I, returnable by: 27.10.2025.

Sd/-

Civil Judge & J.M.F.C., Jagalur.