

Heard Counsel for plaintiff on
I.A.No. I. For orders, Kept by.

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 defendant No. 8 to 10 restraining them from alienating the suit schedule property Item No.1 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 is the joint owner of the suit schedule properties along with the defendants. Suit schedule properties are the Joint ancestors properties the defendants name is reflecting in the revenue records jointly with respect to suit schedule properties. it is further alleged that the defendants are trying to alienated the suit schedule property as the properties sub standing in their name. Hence, the defendants are trying to alienate the suit schedule properties to the third parties. 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 and plaintiff filed relay upon documents such as copy of partition deed dated 24.11.1967, copy of RTC's and M.R with respect to Item No.1 property 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. The plaint pleadings and the documents

produced along with plaint prima-facie goes to show that plaintiff having prima-facie case in their favour. Further, it reveals that, as on date of filing of this suit the suit schedule properties standing in the name of defendants jointly. 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 them from alienating or transferring the suit schedule property Item No.1 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 defendant No. 8 to 10 are hereby restrained from alienating or transferring the suit schedule property item No.1 , 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 defendant No.8 to 10 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: 24.03.2026.

Sd/-

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