

IN THE COURT OF IV ADDL. SENIOR CIVIL JUDGE
AND J.M.F.C., DHARWAD.

Present: SRI.ANAND S KARIYAMMANAVAR
B.A., LL.B(Hon's)
IV Addl. Senior Civil Judge
& J.M.F.C., Dharwad.

OS No.37/2019

Dated : 29th day of March 2025

Plaintiff/s : Sri.Irappa Ulavappa Uppin.

(R/by Sri.N.H.T, Adv)

V/s.

Defendant/s: Smt.Shantavva Channappa Uppin.
And others.

(D1 to 7 R/ by Sri.K.Y.P, Adv)

PARTIES TO IA NO.VI

Applicant/s: Sri.Irappa Ulavappa Uppin.
(Plaintiff)

V/s.

Opponent/s: Smt.Shantavva Channappa Uppin and others.
(Defns)

ORDER ON I.A.NO.VI

The counsel for the plaintiff filed this application under Order 39 Rule and 1 and 2 of CPC thereby sought for grant of temporary injunction to restrain the defendants and their agents and servant from alienating the suit property bearing

Block No.535/1B till disposal of this suit.

2. The plaintiff filed his affidavit in support of this application and submitted that, after filing of this suit, he failed to appear before the court, therefore this Court had dismissed the suit, later he filed an application for restoration of the suit, hence this court allowed application and restored the suit. The defendants are trying to alienate the suit property, in which plaintiff is also having half share, if the defendants succeeds in alienating the suit property, then he will put to irreparable loss and it also leads multiplicity of proceedings, hence present application is filed.

3. On the contrary, the defendants have not filed any objection to this application.

4. I have heard the arguments of counsel for plaintiff on IA No.VI and perused the material available on record.

5. Now the following points arise for my consideration.

1.	Whether the plaintiff has made out prima facie case ?
2.	Whether the balance of convenience lies in favour of the plaintiff ?

3.	Whether irreparable loss would be caused to the plaintiff, if the instant interlocutory application is not allowed ?
4.	What order ?

6. My answers to the above points are as under.

Point No.1 to 3: In Affirmative.

**Point No.4: As per the final order,
for the following:**

REASONS

7. **Point No.1 to 3:-** These points are interconnected with each other, as such in order to avoid repetition of facts, they are discussed together.

7(a). The plaintiff instituted this suit against the defendants for the relief of partition and separate possession of her legitimate share in the suit property. On perusal of the material on record, the defendants are trying to alienate the suit property and the relationship between the parties is not disputed and nature of the property is also not disputed. Therefore, if the temporary injunction is not granted there will be every chance of alienating the said property and if the

defendants are restrained from alienating the suit property no inconvenience will be caused to them. The plaintiff has made out prima facie and balance of convenience is also lies in his favour and if defendant succeeds in alienating the suit property, it will lead to multiplicity of proceedings. Hence, for the above stated reasons, I have answered **point No.1 to 3** **“in Affirmative”**.

8. **Point No.4:-** For the reasons stated while discussing **point No.1 to 3**, I proceed to pass the following:-

ORDER

***The defendants are hereby restrained
from alienating the suit property
bearing Block No.535/1B till further
order.***

No order as to costs.

(Dictated to stenographer, typed by her, corrected and then pronounced by me in the open court on **29th day of March 2025**)

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For order
29-03-2025

(Order pronounced in the open Court vide separate order)

ORDER

***The defendants are hereby restrained
from alienating the suit property
bearing Block No.535/1B till further
order.***

No order as to costs.

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

