

The plaintiffs have filed this suit seeking partition and separate possession in the suit properties. The temporary injunction claimed as against defendants from alienating / encumbering the suit schedule properties pending disposal of the suit.

The plaintiffs are claiming to be the wife and children of the eldest son of the propositus and that the defendants are the wife and children of the youngest son of the propositus and that the suit properties are ancestral and joint family properties.

Considering the pleading and documents, a prima-facie case is made out at this stage.

If the exparte temporary injunction is not granted the very suit may become infructuous, if the purchaser puts forth the plea of bonafide purchaser for consideration. In such an event the interest of the plaintiffs getting jeopardize cannot be ruled out. Therefore, this is the fit case to dispose under Order 39 Rule 3 of C.P.C. Hence, the following,

ORDER

The defendants are restrained for alienating / encumbering the suit schedule properties in any manner till the next date of hearing by way of ad-interim exparte order of temporary injunction.

The plaintiffs are directed to comply with Order 39 Rule 3 of C.P.C.

Issue exparte T.I. order against the defendants and issue notice on I.A. No.1 and issue suit summons to the defendants, returnable by:16.08.2023

I ASCJ & JMFC, Hubballi.