

ORDERS ON IA NO.II

The plaintiff filed IA No.II U/O.39 rule 1 and 2 of CPC to restrain defendants from alienating the suit properties till disposal of the suit.

On 01.12.2022, the court has granted ad-interim T.I order till next date of hearing and same has been extended from time to time.

The defendants have appeared through their counsel but, they failed to file counter to interim application as well as to main suit.

The present suit is filed by the plaintiff for partition and declaration to declare Gift Deed dated 07.06.2018 is not binding on the plaintiff share. The plaintiffs have expressed their apprehension towards the act of the defendants in respect to suit properties. To disbelieve the plaintiff case, the defendants have not chosen to contest the case. It shows that the defendants have some kind of intention to dispose of the suit properties to some other persons. Therefore, the acts of the defendants have not been postponed for some time, no harm would be caused to defendants otherwise, the plaintiff would be

put to great loss which can not be compensated in terms of money. Therefore, it is appears to the court that the plaintiff has made out prima-facie case and balance of convenience to get the orders on IA No.II from this court. Hence I proceed to pass the following :

ORDER

IA No.II filed by the plaintiff U/O 39
rule 1 and 2 of CPC is hereby allowed.

Thereby the defendants are hereby
temporarily restrained from alienating the
suit properties till disposal of the suit.

For plaintiff evidence by 07.02.2024.

I Addl. Senior Civil Judge
and JMFC, Hubballi