

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, HUBBALLI**

Present:

Sri. Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

O.S. No. 415/2024

Dated this the 02nd day of June - 2026

Plaintiff : Smt. Shankravva W/o Virupakshayya Hiremath.

.Vs.

Defendant : Smt. Gurusiddavva W/o Rachayya Tadasmatha and others

PARTIES TO IA No. I

Applicant : Smt. Shankravva W/o Virupakshayya Hiremath.

.Vs.

Opponent : Smt. Gurusiddavva W/o Rachayya Tadasmatha and others

ORDER ON IA No. I

The Advocate for plaintiff has filed this IA U/O. XXXIX Rule 1 and 2 of CPC praying to restrain the defendants from alienating or creating charges over the suit property till disposal of the suit in the interest of justice and equity.

2. In support of the application, the plaintiff No. 1 has sworn affidavit stating that, she has filed the suit for the relief of partition and separate possession against the defendants in respect of suit properties. The suit properties are standing

in the name of defendants for which they are trying to alienate the suit property and create the charges over the suit properties in the bank.

3. The defendant No.2, 9 to 18, 20 to 22 and 7 appeared and remaining defendants placed exparte, but they have not filed written statement or objection.

4. I have heard and perused the pleadings of the plaintiff, I.A. as well as documents relied by the plaintiff to the suit. The following points arise for my consideration:

1. Whether the plaintiff has made out prima facie case?
2. Whether the balance of convenience is in favour of the plaintiff ?
3. Whether the plaintiff would suffer irreparable injury, if the prayer for temporary injunction is dis-allowed?
4. What order?

5. My answer to the above points are as under.

Points No.1 to 3 : In the Affirmative.

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

REASONS

6. **Points No.1 to 3:** All these points are connected to each other, hence they are taken for common consideration.

7. The plaintiff has filed this suit against the defendants for the relief of partition and separate possession claiming 1/5th share in the suit properties. According to plaintiff the suit properties are ancestral properties of plaintiff and defendants. The propositus of the family Smt. Neelavva and her husband Gurusiddappa Hiremath together acquired the suit properties. After their death their daughter and sons succeeded the suit properties. Therefore, the plaintiffs having 1/5th share in the suit properties. On perusal of the record, the Sy. No. 15 measuring 7 acres 18 guntas are standing in the name of plaintiff and defendants jointly and Sy. No. 40A measuring 13 acres 33 guntas also standing in the name of plaintiff and defendants. The defendants though appeared, they have not filed written statement or objection to IA. Therefore, looking into the averments of plaint and documents indicated that, the plaintiff has made out prima facie case, balance of convenience leans in her favour and if temporary injunction is granted no harm or prejudice will be caused to the defendants. So, considering the materials on record I answer points No.1 to 3 in **Affirmative.**

8. **Point No.4:** In view of my answer to point No.1 to 3 as stated above, I proceed to pass the following;

ORDER

The I.A. filed by the plaintiff U/o.XXXIX Rule 1 and 2 of CPC is hereby allowed.

The defendants are restrained from alienating and creating charges over the suit properties till disposal of the suit.

The costs shall follow the event.

(Dictated to the Stenographer directly on computer, computerized by her, script corrected directly on computer and then pronounced by me in the Open Court on this the **02nd day of June - 2026**)

Sd/-
(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge, Hubballi.