

ORDERS ON I.A.NO.1

The plaintiff has filed a suit for partition and separate possession. Along with suit I.A.1 is filed u/o 39 rule 1 and 2 of CPC for seeking ad-interim exparte temporary injunction against defendant No.3 from alienating, creating charge or change of nature of suit property till disposal of suit.

This application is supported with affidavit of plaintiff. It is contended that she has filed suit for partition and separate possession. The defendant No.1 executed sale deed in favour of defendant No.3 in respect of Sy.No. 43*/1 and 44*/1 to an extent of 1 acre 12 guntas and 1 acre 39 guntas in favour of defendant No.3. The suit properties are the joint family and she is having share in the suit property. Sale deed executed by defendant No.2 in favour of defendant No.3 is not binding on her share. The prima facie case, balance of convenience lies in her favour and loss and injustice will be caused to her in case injunction is not granted. Hence, prays for grant of exparte temporary injunction against defendants.

I have gone through the averments of plaint, I.A. affidavit and documents, which discloses that the plaintiff is sister of defendant No.1 and 2 and suit properties are the joint family properties. The defendant No.2 behind the back of the plaintiff alienated suit properties in favour of defendant No.3. It

is apprehension of plaintiff that the defendant No.3 may alienate or create charge over the suit properties. The disposal of case will take considerable time meanwhile there is chance of alienation of property. If the defendant No.3 succeeds in his attempt it will cause multiplicity of proceedings. Therefore, in order to avoid multiplicity of proceedings and to minimize the litigation and to keep property intact it necessary to grant T.I. order as sought for. Hence, court proceed to pass the following...

ORDER

Issue suit summons to defendants.

Issue notice on I.A. No.1 to the defendant No.3.

Issue exparte temporary injunction order against defendant No.3 as sought in I.A.No.1 till next date of hearing.

The plaintiff is hereby directed to comply the mandatory provisions of order 39 rule 3(A) of CPC.

Call on: 21.01.2026

SR. CIVIL JUDGE AND JMFC,
KALAGHATAGI