

The plaintiffs have filed a suit for partition and declaration. Along with suit I.A.1 is filed u/o 39 rule 1 and 2 of CPC for grant of ex parte ad-interim temporary injunction order against defendant No.4 and 5 from alienating, creating charge etc., of suit schedule properties till disposal of suit.

The application is supported by the affidavit sworn to by the plaintiff No.1. It is contended that the suit properties are joint family properties and to avoid their share defendant No.1 executed gift deed in favour of defendant No.4 and 5. Now the defendant No.4 and 5 are trying to alienate or create charge over the said properties. Therefore, it is necessary to restrain the defendant No.4 and 5 from alienating or creating charge over the suit properties.

I have gone through the averments of plaint, I.A. affidavit and documents, which discloses that the suit properties are the ancestral joint family properties. The plaintiffs are claiming share in the suit properties. If the defendant No.4 and 5 succeed in alienating or creating charge over properties it will cause

multiplicity of proceedings. Therefore, in order to avoid multiplicity of proceedings and to minimize the litigation it necessary to grant T.I. order as sought for. Hence, court proceed to pass the following...

ORDER

Issue suit summons to defendant No.1 to 6.

Issue notice on I.A.No.1 to the defendant No.4 and 5.

Issue exparte ad-interim temporary injunction order against defendant No.4 and 5 as sought in I.A. No.2 till next date of hearing.

The plaintiffs shall comply mandatory provisions of order 39 rule 3(A) of CPC

Call on: 16.01.2024

SR. CIVIL JUDGE AND JMFC,
KALAGHATAGI