

Case is called out.

I have heard Sri H.D.R., Advocate for plaintiffs on I.A. No.I and perused record of the case.

The plaintiffs have sought for Ex-parte T.I. under I.A.No.I against the defendants No.8 and 9 from alienating the suit land bearing Sy.No.122 measuring 2 acres 31 guntas situated at Yalagathahalli Village, Doddamagge Hobli, Arakalagud taluk.

I have perused the application, affidavit and other relevant documents produced by plaintiffs. The plaintiffs have filed this suit against defendants for partition and separate possession of their share in suit property. According to plaintiffs, they and defendants No.1 to 7 are members of a joint Hindu family and the suit property is ancestral property of their family and that they have got their legitimate share in the said property. However, in spite of the same, the father of defendants No.5 to 7 filed a suit in O.S.No.262/2009 against the defendants No.1, 3 and 4 only and compromised the said suit without making the present plaintiffs as parties to the suit and on the basis of the compromise the defendants No.1 to 7 got mutated their names to the suit property and sold the same to the defendants No.8 and 9 and now the defendants No.8 and 9 are trying to alienate the property. Therefore, the plaintiffs have sought for ex-parte T.I. against the defendants No.8 and 9.

In support of her contention, the plaintiffs have furnished genealogy of their family in plaint wherein it is mentioned that one Shyamashetty @ Chamashetty S/o Late Narasimhashetty was main ancestor of their family and that the plaintiffs and defendants No.1 to 7 are his lineal descendants. They have also produced old record of rights of the suit property which reveals that the suit property was standing in the name of the ancestor Shyamashetty. Thus, these document prima-

facie supports the case of plaintiffs that they and defendants No.1 to 7 constitute a joint Hindu family and that the suit property is their joint family property.

Thus, the plaintiffs have made out prima-facie case for grant of temporary injunction. If exparte injunction is not granted at this stage, there is every possibility that the plaintiffs may suffer loss and the very purpose of filing of this suit would be defeated. Hence, I proceed to pass the following:

**ORDER**

Exparte T.I. is granted and the defendants No.8 and 9 are hereby restrained from alienating the suit property till next date of hearing.

The plaintiffs are directed to comply the provisions of Order XXXIX Rule 3 of CPC.

Issue emergent notice on I.A.No.I and T.I. Order to defendants No.8 and 9 and suit summons to defendants No.1 to 9.

Call on: 24.12.2021.

**Senior Civil Judge, Arakalagud.**



