

Order on I.A. No. II

1. Perused IA.No.II, affidavit of the plaintiff and documents produced by him.

2. It is the case of the plaintiff that, he has filed the suit for the relief of partition and separate possession against the defendants. It is stated that Late Harishchandranayak and Smt.Sakabayee are the father and mother of the plaintiff and after their demise, about 25 years ago the 1st defendant and plaintiff partitioned the land in Sy.No.77/13, 77/14, 77/15 and 100/400 transferred the mutation documents in their names and have separate rights and possession. But till today there is no partition in the suit property in which he has legitimate share. Further, it is stated that, after the demise of the Late Harishchandranayak and Smt.Sakabayee suit schedule property khata was transferred in the name of defendant No.1 and when the plaintiff demanded for his share for which defendant No.1

refused to give his share and now, he is trying to alienate the suit property to third persons. Hence, they pray to allow IA.No.2.

3. On perusal of the plaint averments and documents produced by the plaintiff, prima-facie it appears that the plaintiff has made out sufficient grounds to grant interim ex-parte temporary injunction order. If the defendant No.1 is not restrained from alienating or transferring the suit schedule property, the very purpose of filing of the suit will be defeated and it will lead to multiplicity of the proceedings. Hence, I proceed to the pass the following :

ORDER

IA.No.II filed U/O-39, Rule-1 & 2 of CPC is hereby allowed and the defendant No.1, his agents, men and representatives are hereby restrained from alienating or transferring or leasing the suit schedule properties to anybody, by any mode or manner till next date.

The plaintiff shall comply order XXXIX Rule III(A) of CPC.

Issue notice on order passed on IA.No.II and mediation notice to defendants and both parties are directed to appear before the mediation on 12.03.2026.

Await mediation report 18.03.2026.

**Senior Civil Judge & JMFC,
Arsikere.**