

Order on I.A. No. I

1. Perused IA.No.I, 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 declaration and permanent injunction against the defendants. It is stated that his sister Smt.Manjula has filed the suit before II Addl. Civil Judge and JMFC, Arsikere in O.S.No.720/2022 against Maulasiddappa, Mallamma, Gangadharappa, himself and Jayadevappa for partition and separate possession in the suit schedule properties and it was settled and they have compromised the matter. As per the said compromise decree, 02 guntas in Sy.No.160/1 (Item No.1) out of 25 guntas, 03 guntas in Sy.No.160/6 (Item No.2) out of 05.04 guntas and 25 guntas in Sy.No.137/1 (Item No.3) were fallen to the share of plaintiff and the said property were entitled to be enjoyed by the 2nd defendant during her lifetime and after her death, the said property belonged to the plaintiff. But the defendants with a malicious intention wrongly repaired the survey and prepared a map and

gave boundaries as per Sale Deed and Gift Deed and now trying to alienate the suit properties. Hence, he prays to allow IA.No.I.

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 defendants are not restrained from alienating or transferring the suit schedule properties, 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

I.A.No.I filed U/O-39, Rule-1 & 2 of CPC is hereby allowed and the defendants, their men or anybody under them are hereby restrained from alienating, mortgaging or leasing the suit schedule properties, 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.I and SS to defendants.

Returnable by :

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