

Order on I.A. No. I

1. Perused IA.No.I, affidavit of the plaintiff No.1 and documents produced by her.

2. It is the case of the plaintiffs that, they have filed the suit for the relief of partition and separate possession against the defendants. It is stated that suit schedule properties are the ancestral and joint family properties of plaintiff and defendant No.1 to 5. It is further stated that plaintiff and defendant No.1 to 5 are the members of the Hindu Undivided joint family. Further it is pleaded that, still there is no partition in the family properties. The defendant No.1 to 5 and 6 have changed Khata in to their names without the knowledge of the plaintiffs and the defendant No.3 has sold the said properties in favour of defendant No.6. Now, the defendants with an intention to defeat their legitimate right of share are trying to alienate the suit properties to third persons. Hence, she prays to allow IA.No.I.

3. On perusal of the plaint averments and documents produced by the plaintiffs, prima-facie it appears that the plaintiffs have made out sufficient grounds to grant interim ex-parte temporary injunction order. If the defendant No.1 to 6 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

IA.No.I filed U/O-39, Rule-1 & 2 of CPC is hereby allowed and the defendant No.1 to 6 are hereby restrained from alienating or mortgaging, transferring or creating charges over the suit schedule properties, by any mode or manner till next date.

The plaintiffs 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.**