

**Order on I.A. No. I**

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

2. It is the case of the plaintiff that, she has 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. Further it is stated that, plaintiff is the 2<sup>nd</sup> wife of Late K.S.Gurumurthy. The said K.S.Gurumurthy filed M.C.No.72/2012 against

plaintiff and it is dismissed on 17.10.2016 and further it is stated that plaintiff had filed Cri.Mis.No.16/2013 in 2<sup>nd</sup> Additional JMFC Hubballi, against her husband and his family, seeking protection and maintenance U/s 12 of Protection of Women from domestic violence Act and said petition was decided on 11.08.2017 as per judgment her husband has to pay monthly maintenance of Rs.10,000/- and compensation of Rs.1,00,000/-. It is further stated that deceased K.S.Gurumurthy and defendants are filed a compromise petition and made a compromise decree in the Court, that plaintiff should not get any property in the future and to obstruct the recovery of maintenance money. In the said compromise decree the defendants have shown that deceased K.S.Gurumurthy got only 1 acre and 37 guntas and it is not equal partition of properties. Further it is pleaded that, when deceased K.S.Gurumurthy was suffering from ill health, the 8<sup>th</sup> and 9<sup>th</sup> defendants fraudulently changed Khata in their name and the 9<sup>th</sup> defendant has alienated the 7<sup>th</sup> schedule property of the suit to the 11<sup>th</sup> defendant through a sale deed on 26.09.2025 but the suit properties are joint family properties and they are in joint possession and enjoyment the same and till today there is no partition in the suit properties in which she is having 1/6<sup>th</sup> legitimate share and now, they 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 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**

IA.No.I filed U/O-39, Rule-1 & 2 of CPC is hereby allowed and the defendant No.1 to 4, their 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.

Issue notice on order passed on IA.No.I and mediation notice to defendants and both parties are directed to appear before the mediation on 01.12.2025.

Await mediation report 05.12.2025.

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