

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 joint family properties and the suit schedule properties originally belonged to one Huchchegowda @ Huchcha who is the propositus of the family of plaintiff and defendants. Further it is pleaded that, still there is no partition in the family properties in which she is having legitimate share. Further it is stated that defendant No.11

has changed Khata of suit item No.1 in his favour and suit item No.2 in favour of father of the defendant Nos.1 to 9 and husband of defendant No.10. Further it is stated that, defendant No.11 to 14 without having any rights over the suit property they have executed the sale agreement of the suit item No.1 in favour of defendant No.15 on 05.03.2021 as the sale agreement was not registered the defendant No.15 was filed suit in O.S.No.180/2014 in the Court of 1st additional Civil judge Arsikere and it was decreed in favour of defendant No.15. Further the defendant Nos.11 to 14 have filed an appeal R.A.No.32/2021 in Court of the Senior Civil Judge, Arsikere and the said appeal has been dismissed, in which the she came to know about the said matter recently. Hence, executed by the defendants are not binding on the plaintiff share. Now, the defendants are trying to alienate the suit properties. If the defendants are succeeded in their act, then same may leads to multiplicity of proceedings. Hence, they 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 defendants are hereby restrained from alienating or transferring or creating charges over 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 mediation notice to defendants and both parties are directed to appear before the mediation on 19.01.2026.

Await mediation report 23.01.2026.

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