

ORDERS ON IA NO 1 AND 2.

Since, these two applications are in consequence of same provision seeking similar relief hence, both applications have been taken up together for a common consideration.

This is suit for Partition and Separate Possession over the suit schedule properties.

And plaintiffs along with the plaintiff, has filed two applications seeking the dispensation of issuance of notice to the defendants on I.A.No.II which temporary injunction application u/o 39 rule 1 and 2 for non-alienation of suit schedule properties.

Heard counsel for plaintiffs and perused the materials on record.

The plaintiffs have made out prima-facie case against the defendants. Therefore, at this stage, on considering the facts and nature of the case, it is necessary to allow IA.No.I as if IA.No.I is not allowed, the object of granting the injunction would be defeated by delay.

Further, plaintiff has produced the G-Tree of the joint family consisting plaintiffs along with defendants and RTCs.

As the suit is for partition among the family members, the suit property is to be preserved from being alienated, otherwise, it may cause multiplicity of the proceedings by inclusion of the interest of the 3rd party if suit properties are alienated during the pendency of suit.

Consequently, this court deems it necessary to grant ex-parte temporary injunction in favour of the plaintiffs, moreover, this order will not prejudice the interest of the defendants as this

order instead will preserve the right of parties and property by preventing the creation of new interest over the suit properties.

Therefore, this Court proceeds to pass the following;

ORDER

IA No.2 is hereby allowed.

Consequently, defendants are hereby restrained from alienating the suit schedule properties in any manner till the next date of hearing.

Issue ex-parte ad interim TI order only after compliance of order 39 rule 3A of C.P.C by plaintiffs.

Issue suit summons, notice on IA.2 and order of exparte TI to the defendants if P.F is paid.

Since, this Court has issued the order of ex-parte temporary injunction by dispensing the notice on IA.No.2, IA.No.1 does not survive. Hence the same is disposed off.

R/by

**Addl.Civil Judge and JMFC.,
Holenarasipura.**

