

Heard the arguments, perused the plaint, annexed affidavit and the documents produced therein.

2. The present suit is filed by the plaintiffs against the defendants for the relief of partition in respect of the suit schedule property. Along with the suit the plaintiffs have also filed I.A. No.2 U/O 39 Rule 1 & 2 CPC for interim relief.

3. The plaintiffs contended that suit property is the ancestral and joint family property and there is no any partition in the family of plaintiffs and defendant No:1 to 8 taking undue advantage of their new appear in the suit property trying to get the compensation amount. Hence the plaintiffs have filed this suit along with Interim application.

4. The plaintiffs in support of his contention has produced Xerox copy of family tree, mutation, RTC, pension grant order, death certificate, school and study certificates, Adhar card, notice copy, receipt and acknowledgment of the suit schedule property. If notice of I.A2 is issued it may cause delay and the purpose of the suit will be defeated. In order to avoid delay it is just and necessary to dispense with the notice and pass an ad interim exparte TI order. If interim order is not passed the purpose of filing of the suit will not survive. Therefore I am of the opinion that in this case the exparte interim order is required to protect the rights of the party.

5. Hence it is a fit case to dispense with prior notice u/o 39 R3 of CPC and it is just and proper to issue ad interim exparte injunction against the defendants. Hence I proceed to pass the following.

ORDER

I.A. No. 1 filed by plaintiffs under Order 39 Rule 3 of CPC is hereby allowed.

Notice is dispensed.

The defendant No:1 to 8 and, his men and servants are temporarily restrained from alienating the suit property and defendant No:9 is restrained in payment of land acquisition compensation amount in favour of defendant No:1 to 8 till appearance of defendants.

Plaintiffs shall comply the provisions of Order 39 Rule 3(a) and (b) of CPC.

Issue T.I. order, suit summons to defendants.

Returnable by : 21.03.2018.

**Addl. Civil Judge
Sakaleshapura.**