



The plaintiff has filed present suit against the defendants for the relief of partition and separate possession of his share in the suit schedule property and for such other reliefs.

Along with the main suit, the plaintiff has filed I.A No.I under order 39 Rule 1 and 2 of CPC seeking to restrain the defendant No.1 from alienation of item No.F of the suit schedule property by way of ad-interim ex-parte temporary injunction till disposal of suit.

Perused the plaint averments, I.A.No.I, its accompanying affidavit and documents relied upon by the plaintiff. On perusal of the same, it is satisfied that, the case of the plaintiff involves arguable case. In other words,

at this stage, the plaintiff has made out prima faice case and balance of convenience lies in their favour and irreparable loss and injury would be caused to him if injunction is refused. Moreover, very purpose of filing the suit would be defeated if the injunction is not granted and same would results in the multiplicities of the proceedings. Accordingly, the considered opinion of this court is that notice of I.A.No.I contemplated U/o 39 Rule 3 of CPC., to the defendant No.1 shall be dispensed with. Therefore, this court proceed to pass the following:

**ORDER**

The defendant No.1 has hereby restrained from alienation of item No.F of the suit schedule property by way of exparte temporary injunction till the next date of hearing.

Issue suit summons to defendants and emergent notice of I.A.No.I to the defendant No.1 if sufficient PF is paid.

Issue order of exparte temporary injunction in favour of plaintiff, if he comply order 39 Rule 3(a) of the CPC.

Call on: 08-06-2023.

OS.No.63/2023

Civil Judge & JMFC.,  
Hangal.