

ORDERS ON IA No.1

This is a suit filed by the plaintiff for the relief of Partition and Separate Possession against the defendants in respect of the suit schedule properties. I.A. No.1 is filed by the plaintiff under **Order 39 Rule 1 and 2 R/w Section 151 of CPC** seeking an ad-interim order of temporary injunction restraining the defendants or anybody claiming under them from alienating or selling/transferring or mortgaging or creating charge or encumbrance over the suit schedule properties till disposal of the suit by dispensing the notice to the defendants in the interest of justice and equity.

2. The IA.No.1 is supported with the affidavit of the plaintiff. I have gone through the affidavit and the documents produced by the plaintiff. The learned counsel for the plaintiff has argued that the suit schedule properties are the ancestral and joint family properties of the plaintiff and the defendants and they have been in joint possession and enjoyment of the same. The learned counsel for the plaintiff has argued that as the khata of the suit schedule properties is standing in the name of the defendant No.1 and 2 as per Registered Partition deed and they are trying to alienate the suit schedule properties to defeat the claim of the plaintiff and the present application is filed apprehending that the defendants may sell or alienate the suit schedule properties to others. And if the present application is not allowed then it can cause multiplicity

of proceedings. At this stage, I'm of the view that the plaintiff has made out prima-facie case. Hence, I proceed to pass the following:

ORDER

I.A. No.2 filed by the plaintiff under **Order 39 Rule 1 and 2 R/w Section 151 of CPC** is hereby allowed.

The defendants or anybody claiming under them are hereby restrained by way of temporary injunction order from alienating or selling/transferring or mortgaging or creating charge or encumbrance over the suit schedule properties till next date of hearing.

The plaintiff is hereby directed to comply the exparte temporary injunction under the provision of **Order 39 Rule 3 of CPC** without fail.

Issue suit summons to the defendant No.1 to 5, notice on IA No.1 and temporary injunction order to defendant No.1 to 5 after compliance, returnable by **27-01-2026**.

**Civil Judge & JMFC,
Hangal.**