

ORDERS ON IA No.1

This is a suit filed by the plaintiffs 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 No.1 under **Order 39 Rule 1 and 2 of CPC** seeking an ad-interim order of temporary injunction restraining the defendants or anybody claiming under them from alienating or transferring 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 I.A.No.1 is supported with the affidavit of the plaintiff No.1. I have gone through the affidavit and the documents produced by the plaintiff No.1. The learned counsel for the plaintiffs has argued that the suit schedule properties are the ancestral and joint family properties as the khata of the suit schedule

properties is standing in the name of the defendants, the defendants are trying to alienate the suit schedule properties to defeat the claim of the plaintiffs and the present application is filed apprehending that the defendants may sell or alienate the suit schedule properties to others. And the defendant No.5 is the purchaser of the item No.3 of the suit schedule properties. If the present application is not allowed then it can cause multiplicity of proceedings. At this stage, I'm of the view that the plaintiffs have made out prima-facie case. Hence, I proceed to pass the following:

ORDER

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

The defendants or anybody claiming under them are hereby restrained by way of temporary injunction order from alienating or transferring the suit schedule properties to others till next date of hearing.

The plaintiffs are 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 defendants, notice on I.A.No.1 to the defendants and temporary injunction order to defendants after compliance, returnable by **06-06-2026**.

**Civil Judge & JMFC,
Hangal.**