

The plaintiffs have filed the present suit against the defendants for the relief of Partition and Separate Possession in respect of the suit schedule property and for such other reliefs.

2. Along with the main suit, the plaintiffs have filed I.A No.I under order 39 Rule 1 and 2 R/w Section 151 of CPC seeking to restrain the defendants from alienating, selling, mortgage or transferring the suit schedule property to others in any manner till the disposal of the suit by dispensing notice on application to the defendants by way of ad-interim ex-parte temporary injunction.

3. Perused the plaint averments, I.A.No.I, its accompanying affidavit of the plaintiff No.1 and documents relied upon by the plaintiffs. On perusal of the same, it is satisfied that, the case of the plaintiffs involves arguable case. The learned counsel for the plaintiffs has argued that the defendants are trying to alienate the suit schedule property to defeat the share of the plaintiffs over the suit schedule property. In other words, at this stage, the plaintiffs have made out prima facie case and balance of convenience lies in their favour and irreparable loss and injury would be caused to them if injunction is refused. Moreover, very purpose of filing the suit would be defeated if the injunction is not granted and same would result in the multiplicity 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 defendants shall be dispensed with. Therefore, this Court proceeds to pass the following:

ORDER

The defendants are hereby restrained from alienating, selling, mortgage or transferring the suit schedule property to others in any manner till the next date of hearing.

Issue order of exparte temporary injunction in favour of plaintiffs, if the

plaintiffs comply Order 39 Rule 3(a) of CPC.

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

Call on: 9.10.2025.

**Civil Judge & JMFC.,
Hangal.**