

ORDER ON I.A.I

Heard the counsel appearing for the plaintiffs on I.A.No.I U/Order XXXIX rule 1 & 2 R/w Sec.151 of CPC, against defendant No.1 & 3.

2. Perused the plaint, I.A.No.I, affidavit and also documents.

3. The plaintiffs contended that suit schedule properties are ancestral and joint family property of themselves and defendant No.1, 2 and 4 and as such they are having equal share in the suit schedule properties. But defendant Nos. 1 & 2 colluding with each other got partition between them and defendant No.2 alienate the suit property in favour of defendant No.3 by denying the plaintiffs right and defendant No.1 & 3 trying to alienate the suit schedule properties. Hence, they have filed this suit for the relief of partition and separate possession of suit schedule property.

4. In support of their case, the plaintiffs have produced RTC, mutation, Partition deed and gift deed.

5. I have perused the documents produced by the Plaintiffs. After going through the facts of the case, on the basis of the materials produced by the plaintiffs, I am of the opinion that, the Plaintiffs at this stage

has made out a prima-facie case balance of convenience lies in favour of them and the Plaintiffs have made out sufficient grounds for grant of ad-interim exparte temporary injunction. At this stage, if the prior notice of I.A.No.1 to the Defendants is not dispensed with, the very purpose of the suit will be defeated by delay. If defendants succeeded in alienating the schedule property that will lead to multiplicity of the proceedings. Hence, prior notice on IA No.1, is hereby dispensed and I proceed to pass the following:

ORDER

Issue Ad-interim Exparte Temporary Injunction against defendant Nos.1 & 3 or anybody on behalf of them, restraining from alienating the suit schedule properties to any other person till next date of hearing.

Plaintiffs to comply the provisions of Order XXXIX Rule 3(a) of C.P.C.

Office is hereby directed to issue suit summons to defendants and notice on I.A. No.1 to defendant Nos.1 & 3 and order of exparte injunction after compliance.

C/c Prl.CJ & I Addl.JMFC.,
Ranebennur.