

ORDERS ON IA NO- 1

1) This application is filed by plaintiffs U/O: 39 Rule 1 & 2, R/w Sec.151 CPC, with a prayer to restrain the defendant No-1, 2 & 8 from alienating suit schedule properties till disposal of the suit in the interest of justice and equity.

2) It is stated in the accompanying affidavit that, suit properties are ancestral properties of plaintiffs and defendant No-1 to 7. The defendant No-8 has created the sale deed with respect to suit item No-3. It does not bind the rights of plaintiffs. Now defendant No-1, 2 & 8 attempting to alienate the properties with an intention to defeat the rights of plaintiff. If they are succeeded, plaintiff would put to great hardship which cannot be compensated in terms of money. It also leads to multiplicity of the litigation. Hence, this application.

3) In support of IA No-1 plaintiff has produced RTC extracts, mutation extracts, genealogy and death certificate of Hanumanthappa.

4) Perused the application and the annexed documents. Heard the applicant.

5) The khata item No-1 & 2 jointly stands in the name of plaintiffs and defendant No-3 to 7. Hence, it is not possible to alienate the property in the absence of plaintiff. The khata of suit item No-3 stands in the name of defendant No-8. The property stands in his name since from 1989. It is not just

and proper to restrain defendant No-8. The khata of C-schedule stands in the name of propositus Mallappa. Plaintiffs are at liberty to get khata mutated in their names as per law. It is not possible to alienate the property by the defendant No-1 & 2 in the absence of khata. At this juncture no prima-facie case made out. Hence, it is just and necessary to here the defendants and this not a fit case to grant an order of ad-interim temporary injunction. Hence, I proceed to pass the following:

ORDER

**Issue notice of IA No-1 and suit
summons to defendant No-1, 2 & 8.**

**Issue suit summons to defendant
No-3 to 7.**

Call on : 25-03-2019.

**(Sri. S. Mahesh)
IInd Addl. Senior Civil Judge,
Ranebennur.**