

Heard counsel for plaintiff on I.A. No.1.

2. Perused the plaint, application, accompanied affidavit and documents. The plaintiff filed the suit for Partition and Separate possession . Along with the suit, the plaintiff has also filed I.A. No.1 against defendant No.2 & 3.

3. The plaintiff contended that, suit property is ancestral and joint family property of plaintiffs and defendant No.1 without having any right the propositor of plaintiffs and defendant No.1 alienate the suit schedule property in favour of defendant No.2 in 2008. Now the defendant Nos.2 & 3 trying to construct the building in suit property. Hence, they filed this suit for the relief of partition and separate possession along with the above application.

4. In support of the application, the plaintiff has produced RTC, death certificate, sale deed and mutation. On perusal of these documents, the reasons assigned by the plaintiff are satisfactory. At this stage, I am of the opinion that the plaintiff has made out prima facie grounds and it is a fit case to grant ex-parte temporary injunction restraining the defendant No.2 & 3, their agents from construction of building in suit property till next date of

hearing in order to avoid multiplicity proceedings.

5. Further, I am of the opinion that dispensation of notice of I.A. No.1 is necessary as the very purpose of granting temporary injunction will be defeated by reason of delay. Hence, I proceed to pass the following;

ORDER

Issue ad-interim temporary injunction against defendant No.2 & 3, their agents, or any other persons claiming under them, are hereby restrained from constructing any building in suit schedule property in any manner till next date of hearing.

The plaintiff shall comply Order 39 Rule 3 of CPC.

Office is ordered to issue ex-parte Temporary Injunction order as per order only after compliance of order 39 Rule 3 of CPC., and issue summons and emergent notice on I.A. No.1 to defendant, if P.F. and copies furnished.

C/c Prl. Civil Judge and I Addl.J.M.F.C,
Ranebennur.