

## **ORDER ON IA NO.I**

The present suit is filed for partition and separate possession. The Plaintiff/Applicant has filed application U/o 39 Rule 1 and 2 R/w Sec. 151 of CPC for ad-interim injunction against the defendants seeking restraining them from alienating or creating any kind of charge over the suit properties in favour of anybody till disposal of the suit.

**2.**The application is supported by affidavit of the plaintiff and contended that, Plaintiff and Defendants are the members of joint Hindu Family. The suit property is the ancestral and joint family property in the nature and no partition has been taken between the Plaintiff and Defendants No.1 & 2 in respect of the suit properties. Such being the case, they are very recently have started to show some sort of hatredness towards the Plaintiff. Without the knowledge of plaintiff, the suit property alienated to the defendants No. 3 to 6 and they are trying to alienate the same.

**3.** That, the RORs produced by the plaintiff at this stage prima facie goes to show that it is fit case to grant ad-interim injunction restraining the Defendants No. 3 to 6 from creating any kind of charge, transfer and thereby alienating the suit property. The plaintiff has stated that, there is chance of alienation of the suit property. This shows that there is emergency in matter and if notice is issued the time which is required for service of notice upon the Defendants would defeat the very purpose of the suit and the application. Thus, at this stage the plaintiffs have made

out prima facie case for grant of ex-parte injunction in his favour. Hence, at this stage without expressing any opinion on the merits of the case, this court is of the opinion that it a fit case to grant exparte temporary injunction against Defendants. Hence I proceed to following:-

**ORDER**

The defendants No. 3 to 6, their men, agents etc., are hereby restrained from alienating or creating any charge in respect of suit property till filing their written statement or objections to I.A No.1 which ever is earlier.

The office is directed to issue temporary injunction order to the Defendant, if PF is paid and provisions of order 39 rule 3(a) are complied with by the plaintiff.

The office is hereby directed not to give the certified copy of this order to the plaintiff unless and until the mandatory provisions of the Order 39 Rule 3(a) of CPC are complied by the plaintiff.

Issue suit summons to Defendants as well as notice on IA No.1 to the Defendants if PF paid returnable by **11-12-2025**.

Sd/-  
**Pri. C.J. and MFC,  
Ranebennur.**