

Dated: 24.01.2025

ORDER

The Plaintiffs have filed this suit against the defendants for the relief of partition and separate possession over the suit schedule properties.

2. In the present suit, the plaintiff has filed interim application U/O.39 Rule 1 & 2

r/w Section 151 of CPC praying to grant ex-parte ad-interim temporary injunction restraining the defendants from alienating the suit schedule properties to any others till the disposal of the suit on merits.

3. I have perused the plaint averments, IA No.I and accompanying affidavit and the documents produced by the plaintiffs. The learned counsel for the plaintiff has prayed for granting the ex-parte ad-interim temporary injunction as prayed. On perusal of documents they disclose that, suit schedule properties are standing in the name of defendants. But in O.S.No.196/2020, by suppressing the genealogy of their family, they have compromised the case. It is version of plaintiff that there was no partition effected between plaintiff and defendants in suit schedule properties. Defendants are trying to alienate the suit schedule properties by taking undue advantage of khata standing in their names, behind the back of plaintiffs.

4. Therefore, the apprehension of plaintiffs can be secured by granting ex-parte temporary injunction against defendants. At this stage, I have satisfied that the plaintiffs have made out a prima-facie case to grant the Ex-parte T.I against the defendants as prayed for in IA No.I. If the Ex-parte ad-interim T.I is not granted and notice of this IA is issued at this stage, the purpose of filing this suit and

object of granting the T.I would be defeated by the delay and there will be multiplicity of the proceedings. Hence, I proceed to pass the following;

ORDER

The defendants or anybody on their behalf are hereby temporarily restrained from alienating Suit Schedule Properties to anybody in any manner by way of ad-interim temporary injunction order till next date of hearing.

The plaintiffs shall comply with the provisions of order 39 rule 3 of C.P.C.

Issue suit summons to the defendants and Ex-parte TI order to the defendants, if copies of plaint, IA No.I, documents are furnished and P.F. paid.

Call on 13-02-2025

**Civil Judge & JMFC,
Savanur.**