

Date: 23-04-2026

ORDER ON I.A.NO.I

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

2. In the present suit, the plaintiff has filed interim application No.I U/O. 39 Rule 1 & 2 r/w Section 151 of CPC praying to grant ex-parte ad-interim temporary injunction restraining the defendant no.6 from alienating or creating charge over the suit schedule A property, in the interest of justice and equity.

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 plaintiffs have prayed for granting the ex-parte ad-interim temporary injunction as prayed for. The plaintiffs counsel argued that, the suit schedule properties are ancestral properties of plaintiffs and defendants. Presently, the suit A property is standing in the name of defendant no.6. The plaintiffs and defendants have rights over the suit properties. By taking undue advantage of the khata standing in defendant no.6 in respect of Suit schedule A property, he is trying to alienate the suit A property to others behind the back of plaintiffs. The plaintiffs have produced the documents to show that the suit properties were earlier standing in the original properties at this stage.

4. Therefore, the apprehension of plaintiffs can be secured by granting ex-parte temporary injunction against defendant no.6. At this stage, this court has satisfied that the plaintiffs have made out a prima-facie case to grant the Ex-parte T.I against the defendant no.6 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 defendant no.6 is hereby temporarily restrained from alienating alienating or creating charge over the Suit schedule A Property by way of ad-interim temporary injunction order till next date of hearing.

Issue emergent notice of IA No.I to the defendant no.6 and suit summons to defendants if copies of plaint, I.A.No.I, documents are furnished and sufficient P.F., is paid.

Issue order of ex-parte temporary injunction in favour of plaintiffs, if they comply order 39 Rule 3(a) of the CPC.

Call on:

CJ & JMFC, Savanur.