

**01-07-2023.**

The plaintiffs have filed I.A. No. I U/Order 39 Rule 1 and 2 R/W. Sec. 151 of CPC, seeking an order of temporary injunction restraining the defendants from putting up construction over suit property No. 2, pending disposal of the suit.

The learned counsel for plaintiffs submitted that the suit is for partition and the defendants are attempting to put up the construction in suit property No. 2 and if they do so, it will cause much hardship and injury the plaintiffs.

The plaintiffs have filed the suit claiming partition and separate possession in the suit properties. The plaintiffs have contended that the suit properties are ancestral and joint family properties. The plaintiffs to prima facie establish that the defendants are attempting to put up construction in suit property No. 2 have produced photographs and a C.D. If pending suit the defendants put up the construction in suit property No. 2, the same will change the nature of the property and will affect the fair adjudication of the matter. Therefore in order to keep the property in status quo, it is just and proper to grant an interim order. Thus the plaintiffs have made out prima facie case for

granting an ex parte interim order. Hence I proceed to pass the following

**ORDER**

*An ex parte order of temporary injunction is granted restraining the defendants from putting up construction over suit property No. 2, till next date of hearing.*

*Plaintiffs shall comply the provisions of Order 39 Rule 3(A) of CPC.*

*No certified copy of this order shall be given, unless compliance is made.*

*Issue intimation of interim order, notice of I.A. No. 2 and suit summons to the defendants.*

**R/by: 11-08-2023.**

Sr. Civil Judge & JMFC., Shiggaon.  
Sitting at Savanur.