

**ORDER**

Heard learned counsel for plaintiff on I.A. No.2. Perused I.A. No. 2, annexed affidavit, plaint averments and documents produced.

2. It is averred that, defendant is the father of defendant No.2 to 5 and one Ashok Seri. The said Ashok Seri died leaving behind his wife ie plaintiff No.1 and children ie plaintiff No.2 to 4. The said Ashok and defendant No.5 have purchased some of the properties out of joint exertion. During life time of said Ashok defendant No.5 has divided all joint family properties. Wherein land bearing Sy.No.98/2, measuring 2.04 acres and Sy.No.99/1 measuring 2.32 acres both are situated at Bhangarga village, and House property having G.P No.1555, PID No.2005, situated at Khajuri Village **(Hereinafter referred as Suit Schedule Properties)**, were allotted to the share of deceased Ashok. As such, he was in possession and enjoyment of the same. After his demise, plaintiffs being his legal heirs inherited suit properties and have been in possession and enjoyment of the same but Khata relating thereto is standing in the name of defendant No.5. This being the state of affairs, plaintiffs approached defendants to give consent to mutate Khata of suit properties in their favour, but they refused to budge to their request. The defendants are

hot hurry to alienate or to create charge over suit property in deprivation of rights of the plaintiffs. Thus, they constrained to file instant suit and instant application to restrain defendant No.5 from alienating or creating charge over suit properties pending disposal of the suit. There is prima-facie case and balance of convenience lies in their favour. Hence, prayed to allow this application.

3. In support of their case, plaintiff produced RTC extracts, copy of death certificate, Unregistered Partition Deed dated 26/05/2020 and Tax paid receipt. It appears from copy of death certificate that, the husband of plaintiff No.1 and father of plaintiff No.2 to 4 namely Ashok died on 01-09-2022. It appears from RTC extract that, Khata of suit properties is standing in the name of defendant No.5, who happens to be mother-in-law of plaintiff No.1 and grand mother of plaintiff No.2 to 4. It appears from unregistered partition deed dated 26-05-2020 that, suit properties appears to have been allotted to the share of deceased Ashok. Considering these aspects, at this juncture, if ad-interim injunction as prayed for is not granted defendant No.5 may alienate or may create charge over suit properties, which will defeat the very purpose of filing of instant application and may lead multiplicity of proceedings. Thus, issuance of prior

notice to defendant No.5 is hereby dispensed with and defendant No.5 is hereby restrained from alienating or creating charge over suit properties till next date of hearing.

4. The plaintiffs have to comply with Order 39 Rule 3 of Code of Civil Procedure. If compliance is reported, issue notice of prohibitory order, notice of I.A. No.1 and 2 and suit summons to defendant No.5 and suit summons and notice of I.A.No.1 to defendant No.1 to 4.

Call on: 29-10-2025.

C/C Senior Civil Judge & JMFC.,  
Aland