

ORDER

The plaintiff has filed the application under order 39 rule 1 and 2 of CPC with a prayer to pass an exparte ad-interim order of temporary injunction against the defendant No.1 to 3 from alienating the suit properties pending disposal of the suit.

2. It is the case of the plaintiff that the plaintiff and the defendants are the Hindu joint family members. The suit properties are the ancestral and joint family properties of the plaintiff and defendants. The defendant No.1 to 3 are now trying to alienate the suit properties by taking undue advantage of the records in their name.

3. Heard the arguments and perused the materials on record.

4. On going through the materials at this stage it appears that the plaintiff has produced the revenue records from the year 1963 to 1976 standing in the name of his brother. The name of the son of the brother of the plaintiff was mutated in the year 1977. The plaintiff has got 5 brothers. The plaintiff has filed the present suit against grand children of his brothers. The defendant No.1 to 3 are the wife and children of Ambaraya. The Ambaraya is the son of brother of the plaintiff. The plaintiff has not produced any materials at this stage to show that, the

suit properties are the ancestral properties of the plaintiff. The plaintiff has not produced materials at this stage to show how his brother acquired the suit property in the year 1963. Hence on considering the materials on record it appears that hearing of the defendants is necessary in the present suit. Hence at this stage the plaintiff has not made out grounds for passing an order in his favour.

Hence I proceed to pass the following...

ORDER

Issue emergent notice of IA No.1 to the defendant No.1 to 3.

Issue suit summons to the defendant No.1 to 23.

R/by 10-02-2025.

Senior Civil Judge and JMFC,  
Afzalpur.