

ORDER

The plaintiffs have 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 4 from alienating the suit property pending disposal of the suit.

It is the case of the plaintiffs that the plaintiffs and the defendants No.1 to 3 are the joint family members. The suit property is the joint family property of the plaintiffs and defendant No.1 to 3. The suit property is nominally standing in the name of deceased Shankrappa. The deceased Shankrappa without any right has executed will in favour of defendant No.4. The plaintiffs have got a share in the suit property. The defendants are now trying to alienate the suit property by taking undue advantage of the records in their name.

Heard the arguments and perused the materials on record.

On going through the materials at this stage it appears that plaintiffs are claiming their share in the suit property. Hence on considering the allegations made by the plaintiffs and considering the materials on record at this stage in order to avoid multiplicity of

proceedings this court is of the opinion that the plaintiffs have made out grounds for passing an interim order in their favour on IA No.I.

Hence I proceed to pass the following...

ORDER

The defendant No.1 to 4 are hereby restrained by an order of ex parte temporary injunction from alienating the suit schedule property till next date of hearing.

The plaintiffs are hereby directed to comply the order as per order 39 rule 3(a) of CPC without fail.

Issue suit summons and notice of IA No.1 to the Defendant No.1 to 4.

Call on 18-12-2023.

Senior Civil Judge and JMFC,  
Afzalpur.