

ORDER ON IA-I FILED U/O 39 RULE 1 & 2 OF CPC BY THE PLAINTIFF

1. This is an interlocutory application No I filed by the plaintiff seeking for temporary injunction order restraining the defendants from alienating, mortgaging or creating charge over the suit properties in any manner till disposal of the suit.

2. The interim application is accompanied with an affidavit sworn by the Plaintiff wherein she has sworn that, she had filed the suit seeking the relief of partition and separate possession in respect of suit schedule properties and for correction of revenue records. It is stated by the plaintiff that the defendant is

trying to alienate the suit schedule property to others though the suit schedule properties are joint family properties of plaintiff and defendant. If the defendant is permitted to alienate the suit schedule property, then the plaintiff will suffer irreparable loss which cannot be compensated in terms of money or otherwise. Thus the plaintiff sought for the relief of exparte ad interim injunction order as against the defendant in the application.

3. Heard and perused the entire materials on record. Perused the affidavit of the application and the plaint averments. On perusal of the documents produced by the Plaintiff i.e., the record of rights of suit schedule properties depicts the name of defendant, Record of rights of suit schedule property shows that the Plaintiff has prima-facie case. Thus on perusal of the plaint averments, affidavit and documents it shows that the plaintiffs have made out prima-facie materials to grant ad interim exparte injunction order. If order of ex-party Temporary injunction is not granted, very purpose of suit will be frustrated. Hence, I proceed to pass the following:

ORDER

Issue an ad interim injunction order against the defendant restraining him from alienating the suit properties in any manner either by sale, mortgage or creating charge till next date of hearing.

O.S 8/2024

Plaintiff to comply with the provisions of Order 39
Rule 3 of Civil Procedure Code,1908.

Issue notice to defendants on I.A.No 1 and suit
summons if process is complied with.

Call on 19-02-2024.

**Senior Civil Judge & JMFC.,
Chincholi.**