

Exparte T.I. Order on IA No.I.

The plaintiff has filed this application U/o 39 rule 1 and 2 of CPC and sought to restrain the defendants by way of exparte temporary injunction from alienating the suit property till disposal of the suit.

The plaintiff has sworn to an affidavit in support of IA and stated that the defendants No.4 and 5 are husband and wife. The plaintiffs No. 1 to 3 are children of defendants No.4 and 5. One Meghu S/o Bhoju was the common ancestor of the joint family. The suit properties earlier belonged to the said Meghu S/o Bhoju. The suit properties are ancestral properties of the plaintiffs and defendants. The plaintiffs are having share in the suit properties. The defendants are trying to alienate the suit properties. Hence, prays to allow the IA.

Perused the records. Heard arguments.

The plaintiffs have filed this suit for the relief of partition and separate possession. On perusal of the revenue records it is seen that the suit properties are jointly stanidng in the name of defendant No.4 and other defendants. In column No.10 of RTC extracts the mode of possession is shown as either Phodi or inheritance. Therefore, at this stage prima facie it appears that the suit properties were earlier belonged to ancestors of the plaintiffs and defendants. Therefore, at this stage the plaintiffs have made out prima facie case. If at this stage the defendants are not restrained from alienating the suit schedule properties and if they alienate the suit schedule properties

during pendency of the suit it will cause much inconvenience to the plaintiffs. Therefore, at this stage the plaintiffs have made out prima facie case and balance of convenience lies in their favour. Hence the following:

ORDER

The defendants are hereby restrained by way of ex parte temporary injunction from alienating the suit properties till next date of hearing.

The plaintiffs shall comply order 39 Rule 3 of CPC.

Office to issue IA notice, TI notice and suit summons to defendants.

The plaintiff shall pay deficit process fee if any within three days from today, failing which this order stands vacated automatically.

Returnable by 07.08.2025.

**C/c Senior Civil Judge & JMFC.,
Chincholi.**