

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

1. This is an interlocutory application No I filed by the plaintiffs 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 they have sworn that, they have 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 plaintiffs

that the defendants are trying to alienate the suit schedule property to others though the suit schedule properties are joint family properties of plaintiffs and defendants. If the defendants are 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 plaintiffs sought for the relief of ex parte ad interim injunction order as against the defendants 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 Plaintiffs 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 Plaintiffs have 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 ex parte 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 defendants restraining them from alienating the suit properties in any manner either by sale, mortgage or creating charge till next date of hearing.

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

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

Call on 29-11-2023.

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