

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 he has sworn that, he had filed the suit seeking the relief of Declaration of owner ship to declare that the sale deed dated 05-12-2019 is null and void in respect of suit schedule properties. It is stated by the plaintiff that the defendants are trying to alienate the suit schedule property to others. 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 plaintiff sought for the relief of exparte 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 Plaintiff ie. the record of rights of suit schedule properties depicts the name of defendants. The documents 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 plaintiff has made out prima facie materials to grant ad interim exparte injunction order. Hence, I proceed to pass the following:

ORDER

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

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 19-07-2022.

Senior Civil Judge & JMFC,
Chincholi.