

5.1.2024

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

The plaintiffs have filed this application U/O 39 Rule 1 and 2 of CPC and sought to restrain the defendant No.1, 2, 4 to 6 by way of exparte temporary injunction from alienating the suit schedule properties.

The plaintiff No.2 has sworn to an affidavit in support of IA and stated that the plaintiffs and defendants 1 to 3 constitute Hindu joint family. The plaintiff No.2 is the wife of defendant No.2 and plaintiff No.1 is son of defendant No.2. The defendant No.3 is daughter of defendant No.1. The plaintiffs and defendants are in joint possession of the suit properties. Such being the facts the defendants 1 and 2 neglected the plaintiffs and sold suits C and D properties to defendants 4 and 5. The said sale deeds are not binding on the plaintiffs. Hence prays to allow the IA.

Perused the records. Heard arguments.

The revenue records show that earlier the suit properties were standing in the name of ancestors of plaintiffs and the defendants 1 to 3. The same prima facie show that the suit properties are ancestor properties of plaintiffs and defendants 1 to 3. Therefore at this stage the plaintiffs have made out prima facie case. The suit is one for partition and separate possession and therefore the said properties need to be kept in tact. Otherwise much inconvenience will be caused to the plaintiffs. On the

other hand if the defendant No.1, 2 and 4 to 6 restrained from alienating the suit properties for a short period no inconvenience would be caused to them. Therefore the balance of convenience lies in favour of the plaintiffs. Hence the following:

ORDER

The defendant No. 1, 2 and 4 to 6 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 notice of IA No.1, TI notice to defendant No.1, 2, 4 to 6 and suit summons to defendants.

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

Returnable by 5.2.2024.

Senior Civil Judge & JMFC, Sedam.