

10-01-2023

OS. No. 2/2023

Order on I.A. No.I

ORDER ON I.A. No.I

The plaintiffs have filed the I.A. No.I U/Order XXXIX Rules 1 & 2 of CPC with a prayer, ex-parte ad-interim Temporary Injunction (TI) order, be granted against the defendant No.2, restraining him from alienating, mortgaging and creating any charges over the suit schedule property till the disposal of the suit.

2. The plaintiffs have filed this suit for Partition and Separate Possession against the defendants.

3. I have perused the contents of plaint, IA. No.I, accompanying affidavit and documents produced by the plaintiffs. It is stated by the plaintiff No.3 in the accompanying affidavit to the IA No.I that, the second defendant is trying to alienate the suit schedule properties. Perused the documents produced by the plaintiffs. The plaintiffs have produced the ROR of Sy No. 15 and Sy No.130 for the year 1963-64, 1968-69, 1973-74 and also recent RTC of the Sy No.15 and Sy No.130. In the RTCs of Sy No.15 for the year 1963-64 and 1968-69 the name of the Bhimanna S/o Chandanna Diggi appears. These documents prima-facie shows that, the Sy No.15 is ancestral property. It is also pleaded by the plaintiffs that, the grand father of the plaintiff No.2 and 3 sold the 6 acres in Sy No.15 property to one Imambee and out of the sale consideration amount he purchased the property of Sy No.130 in the name of defendant No.2. Hence, the plaintiffs have made out the prima-facie grounds to grant ex-parte ad-interim temporary injunction

order as prayed for in the IA No.I but, till next date of hearing. Accordingly, this court inclined to pass the following order:

ORDER

Issue ex-parte temporary injunction order against the defendant No.2 restraining him from alienating, mortgaging and creating any charge over the suit schedule properties, till next date of hearing.

Issue notice of ex-parte Temporary Injunction order along with suit summons and emergent notice of I.A. No.I to the defendant No.2, if plaintiffs' complies the provisions of Order XXXIX Rule 3(a) and (b) of CPC, further issue suit summons to the defendant No.1, if P.F. paid.

Call on: 31-01-2023.

Sd/-

**Civil Judge & JMFC,
Chittapur.**