

Heard learned counsel Sri B.B advocate appearing for plaintiff on I.A.No.1. Perused the materials available on record.

Order on I.A.No.1

I.A.No.1 is filed by the plaintiff under order 39 Rule 1 and 2 of CPC.

I have perused the plaint averments, affidavit filed in support of I.A.No.1 along with documents filed by the plaintiff. On perusal of affidavit filed in support of I.A.No.1 it discloses that plaintiff has averred that the defendant No.1 and 2 are trying to alienate the suit property with an intention to deny the legitimate right of plaintiff. Further plaintiff alleged that if defendant No.1 and 2 are not restrained he would be put into irreparable loss which cannot be compensated by any means. At this stage I am of the opinion that plaintiff has made out a prima-facie case for grant of ad-interim ex-parte temporary injunction order to restrain the defendant No.1 and 2 or any persons claiming through them from alienating or creating charge over the

suit property. If the notice of I.A.No.1 is ordered to be issued then the very object of filing the suit will be defeated by delay in service of the notice under such circumstances plaintiff cannot be compensated by any means. Hence, I am satisfied with the object of granting ex-parte temporary injunction as prayed for in I.A.No.1 by the plaintiff. Accordingly, I proceed to pass the following;

ORDER

Defendant No.1 and 2 or any persons claiming through them are hereby restrained from alienating or creating charge over the suit property.

Plaintiff is directed to comply the mandatory provisions of order 39 Rule 3(a) of CPC.

Issue notice of I.A.No.1 to D1 and 2 and suit summons to all defendants.

R/by 17/3.

Civil Judge & JMFC,
Jewargi.