

Case advanced.
Heard arguments of plaintiff counsel.
Defendant counsel submitted no objection to IA
No.1.
For orders on IA No.1 kept by:

sd/-
CJ & JMFC, Jewargi

The plaintiff has filed this suit for partition and separate possession against the defendant in respect of suit schedule properties.

The plaintiff has filed I.A. No.1 U/O.39 Rule 1 & 2 of C.P.C. seeking temporary injunction against the defendant restraining him from alienating, encumbering, mortgaging or creating charge over the suit schedule properties in favour of others, pending disposal of the suit.

The plaintiff sworn to the affidavit annexed to the I.A. No.1. The plaint averments may be considered as part and parcel of the affidavit. Plaintiff is the daughter of Hussainsab. The suit properties are standing in the name of Hazaratbee W/o. Basumiyan. She is parental aunt, she died issueless. The plaintiff and defendant are the class-II legal heirs of the deceased Hazaratbee. The plaintiff and defendant are joint in tenant over the suit properties. The plaintiff is having legitimate share in the suit property. Now the defendant is trying to alienate the suit properties with

an intention to dupe the rights of plaintiff. Therefore, the plaintiff constrained to file this suit and IA. No.1.

On considering the pleadings and affidavit and documents, at this stage of the suit I am of the view that the plaintiff has made-out a prima-facie case. Hence, in order to safeguard the interest of the plaintiff and also to avoid multiplicity of proceedings. The defendant counsel submitted no objection to IA No.1. In view of prima-facie and also no objection to IA No.1 submitted by defendant counsel. Hence, I proceed to pass the following:

ORDER

The defendant is hereby restrained by way of ad-interim exparte temporary injunction from alienating, mortgaging or creating any charge over the suit properties in favour of others, till next date of hearing.

Call on regular date.

Sd/-
C.J. & JMFC, Jewargi