

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 defendants by way of exparte temporary injunction from alienating the suit properties till disposal of the suit.

The plaintiff No.1 has sworn to an affidavit in support of IA and stated that one Chandappa is father of plaintiffs, Venkateshwar and defendant No.4 the said Chandappa was the owner and possessor of the suit properties. The said Chandappa died leaving behind him the plaintiffs, Venkateshwar, defendant No.4. The defendant No.1 is wife and defendants No.2 and 3 are children of late Venkateshwar. The suit properties are succeeded by the plaintiffs and one Venkateshwar. The suit house is constructed out of the income of the joint family property. Therefore, the plaintiff is having share in the suit properties. But the defendant is trying to alienate the suit property. Hence, prays to allow the IA.

Perused the records. Heard arguments.

The RTC extracts of suit item No.1 and 3 show that still the said properties are standing in the name of father of the plaintiff late Chandappa. The RTC extracts of suit item No.2 shows that earlier the said property was standing in the name of late Chandappa and now it is standing in the name of one Venkatesh who is husband of husband of

defendant No.1 Venkatesh and in column No.10 the mode of possession is shown as inheritance. These documents prima facie show that earlier suit properties belonged to Chandappa who is father of plaintiff and late Venkateshwar and hence the plaintiff and defendants are having share in the suit properties. Such being the case if at this stage the defendants alienates the suit schedule properties during pendency of the suit it will cause much inconvenience to the plaintiff. Therefore, at this stage the plaintiff has made out prima facie case and balance of convenience lies in her favour. Hence the following:

ORDER

The defendants 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 & 2, TI notice and suit summons to defendant No.1 through court and issue notice of IA No.1, TI notice and suit summons to defendant No.4 through RPAD.

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

Returnable by 26.03.2026.

Senior Civil Judge & JMFC, Sedam.