

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

The plaintiff No.1 has sworn to an affidavit in support of IA and stated that one Modin Khan is ancestor of the plaintiffs and defendants and owner of the suit property and he died leaving behind him his son Bandeli Khan and the said Bandeli Khan died leaving behind him his wife, plaintiffs and defendants. The plaintiffs are having share in the suit properties. But the defendant No.1 is trying to alienate the suit property. Hence, prays to allow the IA.

Perused the records. Heard arguments.

The RTC extract from the year 1963-44 to 1967-68 shows that earlier the suit property was standing in the name of Modin Khan who is grandfather of plaintiffs and defendants. The RTC extract from the year 1973-74 to 1977-78 shows that the name of the said Modin Khan was rounded off and name of his son Bandeli Khan was entered. The mutation register shows that after the death of the said Bandeli Khana the suit property was mutated in th name of his wife Husen Bee-defendant No.1. The above documents prima facie show that the grandfather and thereafter the father of plaintiffs and defendant No.2 to 4 was owner of the suit property and after death the plaintiffs and defendants are having definate share in the suit properties. Such being the case if at this stage the defendant No.1 alienates the suit schedule property during pendency of the suit it will cause much inconvenience to the plaintiffs. Therefore, at this stage the plaintiffs have made out prima facie case and balance of convenience lies in their

favour. Hence the following:

ORDER

The defendant No.1 is hereby restrained by way of ex parte temporary injunction from alienating the suit property 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 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 26.03.2026.

Senior Civil Judge & JMFC, Sedam.