

18.2.2025

**Exparte T.I. Order on IA No.I.**

The plaintiff has filed this application U/O 39 Rule 1 and 2 of CPC and sought to restrain the defendants 2 to 7 by way of exparte temporary injunction from alienating the suit properties till disposal of the suit.

The plaintiff has sworn to an affidavit in support of IA and stated that one Nagappa is common ancestor of the plaintiff and defendants. After the death of the said Nagappa ancestral properties were mutated in the name of his two sons. The suit properties were fallen to the share of the ancestor of the plaintiff and defendants 1 to 4 by name Nagappa. The defendants 2 to 4 got mutated the suit properties in their names and sold land measuring 1 acre in Sy.No.44/2 to defendant No.5 through registered sale deed dated 22.4.2022. He also alienated portions of lands in Sy.No.44/2 in favour of defendants 6 and 7. The said sale deeds are not binding on the plaintiff. Now the defendants 2 to 7 are trying to alienate the suit properties. Hence, prays to allow the IA.

Perused the records. Heard arguments.

The previous RTC extracts show that the

earlier the suit properties were standing in the name of ancestor of the plaintiff and defendants 1 to 4 by name Nagappa. Therefore, it appears that prima facie at this stage the plaintiff is having rights in the suit properties. Therefore, at this stage the defendants 2 to 7 are not restrained from alienating the suit schedule properties and if they alienate 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 his favour. Hence the following:

**ORDER**

The defendants 2 to 7 are hereby restrained by way of ex parte temporary injunction from alienating the suit properties till next date of hearing.

The plaintiff shall comply Order 39 Rule 3 of CPC.

Office to issue notice of IA No.1, TI notice to defendants 2 to 7 and SS to defendants 1 to 6 through court and defendant No.7 through RPAD.

The plaintiff shall pay deficit process fee if any within three days from today, failing which this order stands vacated automatically.

Returnable by 28-03-2025.

**Senior Civil Judge & JMFC, Sedam.**