

27.2.2025

**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 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 plaintiffs 1 and 2 are children and plaintiff No.3 is wife of defendant. The suit properties are ancestral properties of the plaintiffs and defendant. The plaintiffs are having share in the suit properties. The defendant has refused to effect partition in the suit properties. Now the defendant is 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 plaintiffs and defendant by name Shivasharanappa. Therefore, it appears that prima facie at this stage the plaintiffs are having rights in the suit properties. Therefore, at this stage the defendant is not restrained from alienating the suit schedule properties and if he alienates the suit schedule properties 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 is hereby restrained by way of exparte 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, TI notice and suit summons to defendant

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

Returnable by 4-04-2025.

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