

27.2.2024

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 1 to 5 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 Anathreddy Desai was the propositus. The suit properties are the ancestral and joint family properties of plaintiffs and defendants. The defendant No.1 being the elder brother of plaintiffs 1 and 2 got changed the revenue records in his name. When the plaintiffs asked their share in the suit properties the defendant No.1 refused to give share. The defendant No.1 to 5 are trying to alienate the suit properties. Hence, prays to allow the IA.

Perused the records. Heard arguments.

The RTC extracts show that the suit properties are standing in the name of defendants 1 and 2. The plaintiff No.1 has stated on oath that the suit properties are ancestral and joint family properties of plaintiffs and defendants. Therefore at this stage the plaintiffs have made out prima facie case. If at this stage the defendants 1 to 5 are not restrained from alienating the suit properties and if they alienate the suit 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 No.1 to 5 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 IA notice, TI notice to defendants 1 to 5 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 3.4.2024.

Senior Civil Judge & JMFC, Sedam.