

### **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 No.7 and 8 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 plaintiff No.1 is legally wedded wife of deceased Ramanna and he died on 05.06.2017 leaving behind him the plaintiffs and defendants. The plaintiffs No.2 to 4 are children of deceased Ramanna through plaintiff No.1 and defendants No.2 to 4 are illegitimate children of deceased Ramanna through defendant No.1. The defendants No.5 and 6 are strangers to the family. The defendant No.1 to 5 had filed suit for partition against husband of plaintiff No.1 and defendant No.6 on the file of this Court in O.S.No.1/2004 and obtained collusive decree. Aggrieved by the same husband of plaintiff NO.1 had filed appeal in RA No.78/2009 on the file of the Hon'ble IV Addl. Dist. & Sessions Court Kalaburagi and the said appeal was partly allowed. Aggrieved by the same the husband of plaintiff No.1 had filed RSA No.7411/2010 and during pendency of the same the husband of plaintiff No.1 died. The said appeal was dismissed as abated on 07.12.2018. Thereafter, the defendants had filed FDP NO.1/2019 on the file of this court. Now the defendants are

trying to alienate the suit properties. Hence, prays to allow the IA.

Perused the records. Heard arguments.

On perusal of the plaint averments it is seen that legal proceedings were pending between the plaintiffs and defendants. Further, the plaintiffs have not produced documents related to the said legal proceedings. Therefore, at this stage the plaintiffs have not made out prima facie case. Therefore, this court find it just and proper to not to pass any interim orders without giving notice to the defendants. Hence, the following;

**ORDER**

Office to issue notice of IA No.1 and suit summons to defendants.

Returnable by 12.12.2025.

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