

23.1.2024

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

The plaintiff has sworn to an affidavit in support of IA and stated that the parties constitute Hindu joint family and the suit properties are ancestral properties of plaintiff and defendant and they are in joint possession and enjoyment of the suit properties. The plaintiff obtained certified copies of the documents and thereby came to know about illegal sham and bogus partition deed and gift deed executed among defendants which were behind the knowledge, consent and behind the back of the plaintiff. After knowing about the said illegal documents the plaintiff once again requested the defendant and asked her 1/4th share in the suit properties. The defendants are trying to alienate the suit properties. Hence prays to allow the IA.

Perused the records. Heard arguments.

The revenue records show that earlier the suit properties were standing in the name of father-law of the plaintiff viz Siddappa. The same prima facie shows that the suit properties belonged to ancestor of the plaintiff. Whether the suit properties are still continued as ancestral and joint family properties of the plaintiff and defendants and whether the plaintiff is entitled for share in the suit properties has to be decided only after the trial. But the revenue records produced by the plaintiff are suffice to show that the plaintiff has

made out prima facie case.

Therefore, at this stage if the defendants are not restrained from alienating the suit properties it will cause irreparable loss to the plaintiff. Hence at this stage the plaintiff has made out prima facie case and balance of convenience lies in favour of the plaintiff. Hence the following:

ORDER

The defendants 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 IA notice, TI notice to defendants and suit summons to defendants.

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

Returnable by 13.3.2024.

Senior Civil Judge & JMFC, Sedam.