

16.11.2024.

**Exparte T.I. Order on IA No.1.**

The plaintiffs have filed this application U/O 39 rule 1 and 2 of CPC and sought to restrain the defendant No.1 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 the defendant No.1 is grand father of the plaintiffs 2 and 3 and father in law of plaintiff No.1. The suit properties are ancestral and joint family properties of the plaintiffs and defendants. One Ashappa S/o Tippanna was the head of the family. The defendant No.1 is trying to alienate the suit properties. Hence prays to allow the IA.

Perused the records. Heard arguments.

The RTC extracts show that earlier the suit properties were standing in the name of the ancestor of the plaintiffs and defendants viz Ashappa. Therefore, prima facie it appears that suit properties are coparcenary properties of the plaintiffs and defendants. Hence at this stage the plaintiff has made out prima-facie case.

If TI order is not granted and the defendant No.1 alienates the suit properties to the 3<sup>rd</sup> parties it will cause loss to the plaintiffs. But the defendant No.1 is restrained for some period no

loss would be caused to them. Therefore the balance of convenience lies in favour of the plaintiffs. Hence the following,

**ORDER**

The defendant No. 1 is 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 defendant No.1 and suit summons to defendants 1 to 3 and 6 through court and to defendant No.4 and 5 through RPAD.

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

Returnable by 19.12.2024.

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