

Heard on behalf of the plaintiff and perused the materials on record.

The plaintiff has filed IA No. 1 U/o 39 rule 3 of CPC seeking dispense of issuance of prior notice to the defendants before passing an order of ad-interim temporary injunction and IA No. 2 U/o 39 rule 1 and 2 of CPC seeking ex-parte temporary injunction against the defendants.

On perusal of the entire case record it shows that the present suit is for the relief of partition, along with plaint he has produced Genealogical tree, RTCs, Form No. 9 and 10. It is the case of the plaintiff that the suit schedule properties are the ancestral properties of themselves and defendant. They having share over the suit schedule properties. But the defendant has illegally constructed the house in the suit schedule properties, hence they seek ad-interim temporary injunction. On perusal of the entire materials available on record, it shows that no documents or photos are produced to show that the defendant has put up construction in the suit schedule properties and also they have not stated in which suit schedule property the defendant has put the construction. It is pertinent to note that the defendant is also one of the family member of plaintiffs. Hence in partition suit, all the members of joint family have right over the properties. Considering the above materials, it appears that the plaintiffs have not made out any prima-facie case on their behalf. At this stage it is not proper to issue ex-parte temporary injunction without

hearing on other side. In view of the same this court proceeds to pass the following :

ORDER

Issue emergent notice on IA No. 2 and issue suit summons to the defendant.

Call on 27-04-2019.

(DEEPU B.C)
Addl. C.J. & JMFC, Bangarpet.