

O R D E R O N I . A . N O . I I I

The plaintiff has instituted the suit for partition and separate possession claiming 1/6th share in the suit schedule property bearing Sy.No.208/8 measuring 14 guntas situated at Hudukula Village, Kasaba Hobli, Bangarpet Taluk.

2. It is the case of the plaintiff that the suit schedule property originally formed part of the ancestral properties of one Venkataramappa, the

grandfather of the plaintiff. After an oral family partition among the heirs, the father of the plaintiff namely V. Muniyappa was allotted a share in the property. After the death of V. Muniyappa, the plaintiff and Defendant Nos.1 to 6 succeeded to the said property and continued in joint possession and enjoyment thereof as members of a Hindu Undivided Family.

3. The plaintiff contends that though the revenue records stand in the name of Defendant No.1 Jayamma, the same is only because she was the elder member of the family and not because of any exclusive ownership.

4. It is further alleged that Defendant No.1, taking advantage of the revenue entries standing in her name, executed a registered Gift Deed dated 13.04.2026 before the Senior Sub-Registrar, Kolar, in favour of Defendant Nos.5 and 6 without the knowledge or consent of the plaintiff. According to the plaintiff, the property is ancestral and joint family

property and Defendant No.1 had no exclusive right to execute the said Gift Deed.

5. The plaintiff further asserts that Defendant Nos.5 and 6 have initiated proceedings for mutation of revenue records on the basis of the said Gift Deed and are attempting to alienate the suit schedule property. It is stated that unless an order of injunction is granted, irreparable injury would be caused to the plaintiff and multiplicity of proceedings would ensue.

6. I have perused the application, affidavit and the material placed on record.

7. On perusal of the records, it appears that the plaintiff has asserted joint ownership and possession over the suit schedule property and has alleged imminent threat of alienation by the defendants. The apprehension expressed by the plaintiff appears to be bona fide and requires protection till the defendants are heard.

8. If the defendants are not restrained at this stage, there is every likelihood of the suit schedule property being alienated, thereby creating third party

interests, which would not only complicate the matter but also result in multiplicity of proceedings. On the other hand, no prejudice would be caused to the defendants if they are temporarily restrained from alienating the property.

9. Thus, this Court is satisfied that the plaintiff has made out a prima facie case, the balance of convenience lies in favour of the plaintiff, and irreparable injury would be caused if the injunction is not granted.

10. In the circumstances, this Court deems it just and proper to grant an ad interim ex parte order of temporary injunction. Hence, I proceed to pass the following:-

: O R D E R :

The defendant No.1, 5 and 6, their agents, servants or any person claiming through or under them are hereby restrained by way of ex parte temporary injunction from alienating or creating any third party interest in respect of the suit schedule property, till the next date of hearing.

Plaintiffs are directed to comply the mandate of Order 39 rule 3 of cpc.

Issue summons and E/notice to the defendants on I.A.No.3 if comply.

Issue Notice to defendant No.2 on IA.No.1 U/O32 Rule 3 and 4 of CPC if comply.

R/by 14.07.2026.

Prl. Civil Judge & JMFC.,
Bangarpet.