

### **ORDERS ON I.A.No.1**

The Counsel for Plaintiffs has filed I.A No.1 u/O 39 Rule 1 and 2 of CPC, seeking an Ad-Interim exparte T.I. Order, restraining the Defendants, their agents, servants or any other persons on their behalf, from alienating or creating any charge over the Suit Schedule Property, till the disposal of the Suit.

This is the Suit of the Plaintiffs seeking the relief of Partition and Separate Possession, in respect of the Suit Schedule Property. The Counsel for Plaintiffs has contended that, the Suit Schedule Property is the ancestral and joint family property of himself and the Defendants. After the demise of the ancestral, himself and Defendants and one Munishamy and Bodeppa had succeeded to the Suit Schedule Property and the above said persons are in joint possession and enjoyment of the same. Thereafter, the said Munishamy died and after his demise, his brothers and sister and Plaintiff and Bodeppa have succeeded Suit Schedule Property and they are in joint possession and enjoyment of the same. Some selected members of the legal heirs of Munishamy and Bodeppa have partitioned the Suit Schedule Property vide registered Partition Deed dated 14.07.2016 and the legal heirs of Munishamy obtained their share to an extent of 1 acre 10.008 guntas jointly and Bodeppa also got 1 acre 10.008 guntas as a share. Thereafter, all the revenue documents standing their names and their family members and Defendants family members are jointly in possession and even today the Plaintiff and the Defendants are in joint possession of the Suit Schedule Property and there is no dispute. Subsequently, some

difference arose between him and the Defendants and when he demanded his legitimate share in the Suit Schedule Property, the Defendants refused further, the Panchayath convincing the locality also was futile. The Defendants taking undue advantage of the illegal entries in the revenue documents, are trying to alienate the Suit Schedule Property. Hence, the present Application.

The Counsel for Plaintiff has produced Family Tree, copies of Aadhaar Card, Partition Deed, Sketches, Mutation Registers, RTC's.

Upon hearing the Counsel for Plaintiffs and also on perusal of the documents produced by the Plaintiffs, this Court has come to conclusion that, as per the documents available at hand, the Suit Schedule Property is the joint family and ancestral property of the Plaintiff and the Defendants. If the Suit Schedule Property is not protected at this stage, then the rights of the Plaintiff would be in danger and further, the Suit Schedule Property will be in danger of being damaged, destroyed or alienated, without establishing the rights of the parties thereto. Hence, at this stage, it is necessary to protect the Suit Schedule Property. Hence, the Plaintiff has made out prima-facie case, for grant of Exparte Temporary Injunction as sought for. Hence following Order is passed.

### **ORDER**

By an Exparte T.I order, the Defendants, their agents, servants or any other persons on their behalf, are hereby restrained from

alienating or creating any charge over the Suit Schedule Property, till next date of hearing.

Issue Ad-Interim Order of Temporary Injunction accordingly.

The Plaintiff shall comply with the provisions of Order 39 Rule 3(a) of CPC. Issue copy of this Order, along with Suit Summons and notice and copy of documents to the Defendants.

Call on by 05/08/2024

Sd/-  
I Addl. Civil Judge & JMFC,  
Malur.