

15.09.2023

Pltf by Sri.N.P.Suddi advocate
for orders

ORDER ON I.A No.1.

The plaintiff has filed the suit for partition and separate possession of his share and put the plaintiff in separate possession by metes and bounds. Along-with the suit plaintiff has filed the I.A No.I seeking for grant of ad-interim exparte TI order.

2. I have perused the plaint averments and the I.A No.I annexed affidavit and the documents produced on record. The plaintiff has filed this suit for partition and separate possession, against the defendants No.1 to 9. It is their case that the suit properties are the ancestral and joint family properties wherein they are having 1/3rd share.

3. On perusal of the materials placed on record it prima-facie case appears that the plaintiff has made out grounds for granting ad-interim exparte TI order. At this stage the plaintiff has got case for trial. It is too premature at this stage to disbelieve the case of the plaintiff as pleaded by him. In the circumstances it is just that the notice of I.A No.I has to be dispense with and some interim order has to be passed, otherwise the purpose of the suit will be defeated.

4. The exparte Ad-interim temporary injunction is granted against the defendants No.1 to 9 not to alienate the suit schedule properties as described in the I.A. No.I in any manner till the appearance of the defendants.

5. The plaintiff to comply U/Order 39 Rule 3A of CPC. The office to issue certified copy of the order to the plaintiff, only if the TI order is complied. On the compliance of the same, the T.I order and the notice of I.A No.I and suit summons to defendants No.1 to 9 returnable by 25/10/2023.

Senior Civil Judge,
Kushtagi.