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EXPARTE ORDERS ON I.A.NO.1

The plaintiffs have filed this suit for Partition and separate possession against the defendants along with I.A No.1 U/o. 39 Rule 1 and 2 of C.P.C for seeking an order of *ex-parte* ad-interim Temporary Injunction against the defendants.

2. Perused the plaint, I.A. filed U/order 39 Rule 1 and 2 of C.P.C the connected affidavit sworn by the plaintiff No.2 and documents placed on record.

3. Heard counsel for the plaintiffs on I.A No.1 and perused the available materials on record.

4. The plaintiff No.2 in her affidavit has stated that the suit schedule properties are the joint family properties of herself and defendants. Now, defendant No.1 get the khata of the suit schedule properties into his name and trying to alienate the suit schedule properties on the basis of khata stands in his name to the 3rd person to defeat the right of the plaintiffs over the suit schedule properties. Therefore, prays for allow the application as prayed.

5. On perusal of the documents, *prima facie* appears that, in property bearing Sy. No. 33/1 measuring 40 guntas, in Sy. No. 32/2 measuring 22 guntas, and in property bearing Sy. No. 58/3 measuring 2 acre 33 guntas of Machagonahalli village, Bookanakere hobli, K.R.Pete taluk stands in the name of defendants. But plaintiff is claiming including properties which stands in the

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name of Puttalakshamma W/o B.Venkataramanagowda who is their mother. On perusal of the plaint, her mother was died about 10 years back, hence at this stage the plaintiffs have not made out a *prima facie* case to grant ad interim exparte T.I. If the Ad-interim exparte T.I is not granted, *prima facie* no hardship would be caused to the plaintiffs. Hence, it is necessary to hear other side. Hence, the court proceeds to pass the following;

ORDER

Issue Emergent Notice on I.A.No.1 and suit summons to the defendants.

Returnable by :22.10.2024.

Addl. Sr.CJ & JMFC,
K.R.Pete.