

Case called out. Learned counsel for Plaintiff present.

Heard learned counsel for plaintiff on IA No.1.

Perused the documents filed along with suit.

The present suit is filed for partition and separate possession.

The plaintiff filed IA No.1 U/o 39 rule 1 and 2 of CPC seeking temporary injunction against the Defendant No.8 restraining him from alienating or creating any encumbrance over the suit schedule item No.4 property till disposal of the suit. She has produced copies of revenue records,

sale deed, agreement of sale and other documents along with the suit.

Learned counsel for plaintiff prays for interim ex parte temporary injunction against the Defendant No.8 as the matter is urgent as he is trying to alienate the suit schedule item No.4 property immediately.

On perusal of the materials placed on record, it is forthcoming that the plaintiff has claimed that suit schedule properties originally belonged to her father and therefore she has got a share in the suit properties. She further claims that there exists threat of alienation of the suit properties by the defendant No.8. The plaintiff is claiming right over suit schedule properties as a sharer. Therefore, there exists prima-facie case in favor of the plaintiff at this stage against the defendants. Further she alleges that the defendant No.8 is trying to alienate the suit schedule item No.4 property. Therefore, if temporary injunction is not granted at this stage, the very purpose of filing the suit would be defeated and it would lead to multiplicity of the proceedings.

As per order 39 rule 3 before granting temporary injunction, notice has to be served on the opposite side. However, in cases of emergency and where it appears to the court that the object of granting injunction would be defeated by delay, which may be caused in serving notice to the opposite party on the application, the court can dispense with the notice to the opposite party before granting injunction. In

the instant case there appears emergent situation and, if notice is order to be served on the defendant No.8 before granting injunction, the very purpose of filing the suit would be defeated and it would lead to multiplicity of proceedings. Therefore, it is necessary to restrain the defendant No.8 at this stage through exparte interim order of the court on exercising discretionary power vested with this Court. Hence, this court deems fit to pass the following:

ORDER

The defendant No.8 is hereby restrained from alienating suit schedule item No.4 property till next date of hearing.

The plaintiff to comply order XXXIX Rule 3(a) of CPC.

Issue notice on I.A.No.1 and suit summons to defendants r/by: 16.09.2025.

(MOHANAKUMAR N.B.)
Addl., Senior Civil Judge & JMFC.,
Maddur.