

### **Ex-parate order on IA- I**

Perused the plaint and supported documents and also IA No.I.

2. IA No.I is filed U/O 39 rule 1 and 2 of CPC to pass an order of exparte temporary injunction restraining the defendants from alienating the suit properties during the pendency of the suit.

3. In IA No.I, the plaintiff No.1 has averred that the suit properties are ancestral and joint family properties of the plaintiff and defendants and all of them are in joint possession and enjoyment of the suit properties and the plaintiffs have got 2/6th share in the suit properties. Now defendants are making hasty attempts to dispose the suit properties in order to deprive and defraud the rights of the plaintiffs over the suit property. Hence, this application.

4. The plaintiffs in this regard along with the application have produced RTCs standing in the name of Patel Karadigowda. Affidavit filed along with documents at this stage shows that the plaintiffs and defendants belong to a

joint family and the family properties are standing in the name of Karadigowda. Such being the case, as rightly contended by the plaintiff, if the defendants succeed in alienation of suit properties during the pendency of the suit, very purpose of the suit will be defeated and thereby the plaintiffs will be put to greater hardship and injury which cannot be compensated in terms of the money. Therefore, following

**ORDER**

IA No.1 filed by the plaintiffs U/O 39 rule 1 and 2 of CPC is hereby partly allowed till next date of hearing and the defendants are hereby restrained from alienating the suit properties to third parties in any manner till next date of hearing.

Issue suit summons and notice on IA No.1 to the defendants. Issue TI to the defendants if the plaintiffs make the compliance of order 39 Rule 3(a) of CPC, returnable by: 18/3/24.

**ADDITIONAL SENIOR CIVIL JUDGE &  
JMFC., MADDUR.**