

OS 26/2018 : 12-02-2018

Heard Sri. JS advocate for plaintiff on I.A. No.1 and perused the materials available on record.

IA No.1 is filed U/O 39 rule 1 and 2 of CPC for exparte temporary injunction to restrain defendants from alienating the suit schedule properties pending disposal of the suit.

In support of IA No.1 the plaintiff sworn that the suit schedule properties are ancestral and joint family properties of plaintiff and defendants. The defendants No.5 colluding with other defendants are trying to alienate the suit schedule properties in favour of 3rd party. Therefore the plaintiff sought for exparte temporary injunction to restrain defendants from alienating the suit schedule properties.

In support of application the plaintiff has produced family genealogical tree affidavit, RTC extracts and demand register extract pertaining to suit schedule properties.

I carefully gone through the plaint averments, affidavit filed in support of I.A.No.1 and documents produced along with plaint. At this stage it appears that, plaintiff has made out a prima-facie case to proceed against defendants. If exparte T.I. is not granted as prayed in I.A.I, then by the time the suit reaches the final stage then things may take place in a reverse manner due to which the plaintiff may not be compensated in terms of money. I am also of the opinion that it is fit case to dispence with

notice of IA1 as the very purpose of granting injunction will be defeated by the reason of delay. With this observation this Court proceeds to pass the following:

: ORDER :

Issue Exparte Temporary Injunction, against the defendants as prayed in I.A.No.I, if the plaintiff complies the provisions of order 39 rule 3 (a) of C.PC till the next date of hearing.

Issue notice on I.A.No.I and suit summons to defendants if PF and copies furnished. Returnable by 02-03-2018.

ASCJ, SRIRANGAPATNA