

**ORDER REGARDING GRANTING OF AD-INTERIM EX-
PARTE ORDER OF TEMPORARY INJUNCTION**

The Applicant/Plaintiff has filed I.A.No.I under Order 39, Rule 3 read with section 151 of Civil Procedure Code for dispensing the issuance of notice on I.A.No.II to defendants before passing ad-interim ex-parte temporary injunction at this stage.

2. The Applicant/Plaintiff filed I.A.No.II under Order 39, Rule 1 and 2 read with section 151 of Civil Procedure Code for restraining the defendants from alienating or creating any charge over suit properties pending disposal of the suit.

3. The applications are supported with the affidavits of Applicant/Plaintiff duly sworn and stated that suit schedule properties are the joint family properties of plaintiff and defendants. It is further sworn that the present suit is filed by the plaintiff for partition and separate possession suit. It is further sworn that the defendants are now trying to alienate the said properties and sought for grant of ex-parte temporary injunction.

4. Perused the plaint averments as well as sworn affidavit of the Applicant/Plaintiff filed in support of IA No.I and II and also the documents produced by the Plaintiff.

5. The documents produced by the plaintiff prima facie shows that suit schedule properties appears to be the joint family properties of the plaintiff and defendants. The present suit is filed by the plaintiff for partition and separate possession of the suit schedule properties. The grievance of the plaintiff at

this stage is that defendants are trying to alienate the suit properties on the guise of the katha standing in the name of defendants and in that event they will be put to hardship and it will affect their legitimate share and it will leads to multiplicity of proceedings. The main objective of granting temporary injunction is to preserve the suit properties intact till conclusion of trial. In the facts and circumstances of the case, if the interim relief as prayed in IA No.II is not granted, in my opinion it will frustrate the very purpose of filing of the suit and also it will multiply the litigation. Hence, this court is of opinion that at this stage, plaintiff has made out grounds for grant of ex-parte injunction. Therefore, I proceed to pass the following:-

ORDER

IA No.I filed by the Applicant/Plaintiff under Order 39, Rule 3 read with section 151 of Civil Procedure Code for dispensing the issuance of notice on IA No.II to defendants at this stage is allowed.

Issue ex-parte order of ad-interim temporary injunction against the defendants as prayed in IA No.II.

Consequently, defendants are hereby restrained from alienating or creating encumbrance over the suit schedule properties till next date of hearing.

Issue order of ex-parte temporary injunction passed on if the plaintiff has complied the mandatory provision of Order 39, Rule 3 (a) of Civil Procedure Code.

Issue suit summons and notice of IA No.II to defendants if sufficient process fee and copies are furnished.

Returnable by: 04.01.2025.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 28th day of November 2024)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**