

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

The applicants/plaintiffs filed IA No.I 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 before passing ad-interim ex-parte temporary injunction at this stage.

2. The applicants/plaintiffs filed IA 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 item No.1 of schedule property pending disposal of the suit.

3. The applications are supported with the affidavits of applicants/plaintiffs duly sworn and stated that suit schedule properties are the joint family properties of plaintiffs and defendants. It is further sworn that the present suit is filed by the plaintiffs for partition of their legitimate share. 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 affidavits of the applicants/plaintiffs filed in support of IA No.I and II and also the documents produced by the plaintiffs.

5. The documents produced by the plaintiffs prima facie shows that suit schedule properties appears to be the joint family properties of the plaintiffs and defendants. The present

suit is filed by the plaintiffs for partition and separate possession of the suit schedule properties. The grievance of the plaintiffs 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, plaintiffs have made out grounds for grant of ex-parte injunction. Therefore, I proceed to pass the following:-

### **ORDER**

**IA No.I filed by the applicants/plaintiffs 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 item No.1 of schedule property 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: 19.01.2024.**

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 20<sup>th</sup> day of December, 2023)

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