

Heard arguments addressed by learned counsel for the plaintiff. The plaintiff has filed the suit against the defendants seeking the relief of partition and separate possession of his 1/3rd share over the suit schedule properties.

2. Along with the plaint the plaintiff has maintained IA No.I under Order 39 Rule 1 and 2 R/w Section 151 of CPC seeking for an order of ex-parte temporary injunction restraining the defendants from alienating, changing the revenue records and creating third party rights in the suit schedule properties till the disposal of the suit.

3. In support of the application the plaintiff sworn to an affidavit and also produced the documents like the copy of the affidavit regarding the G-tree of the family, the RTC pertaining to the suit schedule properties, the copy of the index of land, the copy of aakarbandh and the Encumbrance Certificate. As per the plaintiff, himself and the defendants are the members of the joint family. It is the apprehension of the plaintiff that, the defendants are making attempt to alienate the suit schedule properties in order to defeat the right of the plaintiff over the suit schedule properties. The plaint averments, the affidavit averments and the documents prima-facie goes to show that, the plaintiff has made out an arguable case. If the ex-parte order of temporary injunction is not granted there is likelihood of alienation, transfer and creating charge over the suit schedule properties by the defendants and in order to protect the suit schedule properties till disposal of

the suit it is just and necessary to dispense with the summons and I.A notice to the defendants. Accordingly, proceeds to pass the following:

ORDER

The defendants are hereby restrained by order of ex-parte temporary injunction from alienating, changing the revenue records and creating third party rights in the suit schedule properties in any manner to anybody till the next date of hearing.

The plaintiffs shall comply Order 39 Rule 3(a) of CPC.

Issue TI order to the defendants, notice on IA No.I and suit summons to the defendants returnable by 05.09.2024.

(Anitha)

Addl. Senior Civil Judge and JMFC.,
Hunsur.