

OS.No.221/2025

The plaintiffs have filed the instant suit seeking for the relief of partition and separate possession in respect of the suit schedule property. Along with the suit, the plaintiffs have filed an application in IA.No.1 under Order 39 Rule 1 & 2 of CPC seeking an ad interim order of exparte temporary injunction against the defendants restraining them, their family members, representatives or anybody acting on their behalf from alienating or changing the katha of the suit schedule property till the disposal of the suit.

2. Perused the contents of the application, affidavit to the said application, plaint averments and the suit documents.

3. It is the case of the plaintiffs that plaintiffs and defendants-1 to 10 are members of joint Hindu undivided family and they are in joint possession of the suit schedule property. It is contended that defendants-1 to 10 without the consent of plaintiffs have executed sale deed in favour of defendant-11 on 20.03.2025 and the said sale deed is not binding on the plaintiffs. The plaintiffs have issued a legal notice to the defendants on 10.04.2025 and the same was duly served on the defendants. Hence, the plaintiffs were constrained to file the present suit as well as I.A.

4. To substantiate the claim of plaintiffs, plaintiffs have produced family tree, sale deed, computerised RTC, legal notice, postal acknowledgments, postal RPAD cover and postal receipts.

5. Perused the materials on record. It appears that sale deed is executed by defendants-1 to 10 in favour of defendant-11 on 20.03.2025 with respect to suit schedule property. This strengthens the apprehension of the plaintiffs as to change of katha. The apprehension alleged by the plaintiffs cannot be discarded at this stage.

6. Thus, this court is of the view that, irreversible circumstances may arise, if an order of status-quo is not passed against the parties. Hence, an order of status-quo would serve the purpose by not causing prejudice to either of the parties. Accordingly, this court proceeds to pass the following;

ORDER

Issue order of status quo, directing plaintiffs and defendants or anybody claiming under them to maintain 'Status Quo' with respect to suit schedule property and defendants shall not deal with the

property by changing katha till next date of hearing.

Plaintiffs are directed to comply Order 39 Rule 3(a) of CPC.

Issue emergent notice of IA.I and suit summons to defendants, if PF paid. Returnable by 14.07.2025.

17.06.2025

ACJ & JMFC, Hunsur