

OS 17/2025
29/01/2025

ORDERS

This court carefully perused the plaint averments the I.A.No.1 filed u/o.39 rule 1 and 2 R/w 151 of CPC along with accompanying affidavit and suit documents. It appears that the plaintiff has filed suit against the defendants for the relief of partition and separate possession.

In the plaint the plaintiff stated that the khatha of the properties standing in the name of the defendant No.1 to 6 and they have making efforts to alienate the schedule properties in favour of others, if the defendants is succeed in the said act the plaintiff will be put to hardship.

The plaintiff has filed an application under order 39 Rule 1 and 2 and sought for Ex-parte ad-interim order of temporary injunction restraining the defendant No.1 to 6 from alienating the suit schedule properties till disposal of the suit.

Considering the nature of the suit and the interim order prayed on the basis of the documents produced along with the plaint, further the plaintiff has made out prima facie case and balance of convenience lies in favour of the plaintiff at this stage. Hence, I am of the opinion that order in notice to defendants would delay proceedings and results in the suit becoming infructuous. Hence, preserving the rights of the plaintiff is necessity. Otherwise, the case of the plaintiff would be defeated. Hence, I proceed to pass following:

ORDER

Issue order of temporary injunction restraining the defendant No.1 to 6 from alienating the suit schedule properties.

The temporary injunction order shall be in force till appearance of the defendants.

The plaintiff to comply order 39 rule 3 of CPC, if compliance is reported, issue notice on I.A.No.1 and suit summons to the defendants.

Call on :03.03.2025.

Sr Civil Judge & JMFC.,
K.R.Nagar.