

OS 142-2025

ORDERS ON IA NO.I

Heard the learned counsel for the Plaintiff and perused the records. The Plaintiff has filed this suit partition and separate possession.

Along with the suit, Plaintiff has filed I.A.No.I under Order 39 Rule 1 and 2 of CPC, seeking temporary injunction restraining the defendants from alienating the suit schedule properties in any manner till pending disposal of this suit.

The Plaintiffs have produced the Genealogical Tree, RTCs and other documents of the suit schedule properties.

In the affidavit it is stated that, the defendants are making efforts to sell the suit schedule properties to the 3rd parties in order to defeat the rights of the plaintiff and now it is the apprehension of the plaintiff that, defendants may alienate the suit schedule properties to deprive their rights. The documents produced by the Plaintiffs *prima-facie* appears that, the suit schedule properties are standing in the name of

defendant No.1 and prima-facie appears that, they are the ancestral properties. Therefore, if the defendants alienate or dispose off the said suit schedule properties in favour of strangers, it will lead to multiplicity of proceedings and such circumstances plaintiff would be put to hardship. In order to preserve the rights of plaintiff and to maintain the properties in statusquo, the order of injunction is required to be issued. If an order of injunction granted in favour of plaintiff, defendants will not put to any hardship. Hence, the plaintiff has made out *prima-facie* case in their favour and balance of convenience and relative hardship also leans in favour of the plaintiff. Under the circumstances, issuance of notice may defeat the purpose of filing the suit. Hence, this court pass the following :-

ORDER

Ad-interim ex-parte temporary injunction is granted against the Defendants restraining them from alienating the suit item No.1 to 3 in any manner whatsoever till the appearance of the Defendants.

The plaintiff shall comply Order 39 Rule 3 of CPC.

Issue suit summons and emergent notice on IA No.I to the Defendants.

Returnable by 17.09.2025.

Sr CJ & JMFC., K.R.Nagar.