

ORDER

Heard the learned counsel for the plaintiff and perused the records. The plaintiff has filed this suit partition.

Along with the suit, plaintiff has filed I.A.No.1 under order 39 rule 1 and 2 of CPC seeking temporary injunction restraining the defendant No.1 to 3 from alienating the suit schedule properties in any manner till pending disposal of this suit.

The plaintiff has produced the Genealogical tree, and two assessment extracts pertaining to 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 of item No.1 and 2, *prima-facie* appears to be standing in the name of defendant No.1 and 2. Therefore, if the defendants alienate or dispose off the suit schedule properties in item No.1 and 2 in favour of strangers it will lead to multiplicity of proceedings and plaintiff will be put to hardship. If an order of injunction granted in favour of plaintiff, defendants will not put to any hardship. Hence, the plaintiff has partly made out prima facie case in his 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, I pass the following :-

ORDER

Issue ad-interim exparte temporary injunction against the defendants restraining them from alienating the suit schedule properties in item No.1 and 2 in any manner or creating any kind of charge whatsoever, over it till the date of filing of written statement by the defendants.

The plaintiff shall comply order 39 rule 3 of CPC.

Issue suit summons and notice on IA No.1 to defendant No.1 to 3.

Returnable by 13/01/2022.

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