

OS 75/22

ORDERS ON IA NO.1

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.1 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 plaintiff has produced certified copy of the compromise petition and compromise decree passed in OS No.400/1989, certified copy of the registered Gift Deed dated 03.12.2013, RTCs, Death certificate of S.B. Anjanegowda and form No.5 and sketch etc., 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 his right. The documents produced by the Plaintiff in compromise petition and decree *prima-facie* appears that, suit schedule property allotted to the share of Plaintiff Sri.S.A.Srinivas held inbetween his father and his brother. Therefore, if the defendants alienate or dispose off the suit schedule property by taking advantage of RTC in favour of strangers, it will lead to multiplicity of proceedings and plaintiff will be put to hardship. In order to preserve the right of plaintiff and to maintain the property 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, I pass the following :-

ORDER

Ad-interim ex-parte temporary injunction is granted against the Defendants restraining them from alienating the suit schedule property 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 07/11/2022.

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