

O.S.8/2023

**ORDER IA NO.1 FILED U/O 39 R-1 AND 2 R/w 151 of
CPC**

1. IA No.1 is filed by the applicant/plaintiff U/o 39 R-1 and 2 R/w 151 CPC seeking an ad-interim ex-parte order of temporary injunction restraining defendant No.13, their agents, and persons claiming under them from causing alienation of application schedule properties in favour of any other person like creation of charge, sale, mortgage, change of Khata etc., by granting ad interim ex-parte order of temporary injunction against them pending disposal of present suit in the interest of justice and equity.

2. Heard the learned counsel for the applicant/plaintiff. Perused the plaint averments, affidavit, annexed to IA No.1 and also other materials placed before this court.

3. The above suit is filed by plaintiff against defendants for the relief of Partition and Separate Possession.

4. At this stage the applicant/plaintiff has made out sufficient grounds and prima-facie case so as to protect his right and interest over the application schedule properties. In order to avoid multiplicity of proceedings further, the very object of granting injunction would be defeated by delay. Hence, notice on IA No.1 to defendants

as contemplated U/o 39 R-3 of C.P.C. is hereby dispensed with being of the above opinion. Hence, this court proceed to pass the following:

ORDER

Pending disposal of IA No.1 defendants No.13, their agents and persons claiming under them are hereby restrained from causing of alienation the application schedule properties in favour of 3rd parties by way of an ad-interim ex-parte temporary injunction order.

This order shall remain in force till defendants filing their written statement and objections.

Office is directed not to issue the certified copy of this order until complied with order 39 R-3 of CPC.

Issue emergent notice to defendants in respect of IA No.1.

Issue ad-interim temporary injunction order in respect of IA No.1.

Issue emergent notice to defendant No.13 on IA No.1 along with suit summons and also issue suit summons to defendant No.1 to 12 returnable by: 24/01/2023

(Gayatri)
Addl. Civil Judge & JMFC.,
K.R.Nagar.