

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

IA No.1 is filed by the applicant/plaintiffs U/o 39 R-1 and 2 of CPC seeking an ad-interim exparte order of temporary injunction to restrain defendants from alienating the application schedule property

2. Heard the learned counsel for the plaintiff and 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 plaintiffs against defendants for the relief of declaration and permanent injunction.

4. Here, the plaintiff in his affidavit has stated that, the plaint schedule properties were fallen to the share of plaintiff's father as per the partition in their family which took place 50 years back and from 1970 2<sup>nd</sup> plaintiff's father was in settled possession of the said property. After his demise 1<sup>st</sup> defendant got changed Khatha behind his back. After careful perusal of the affidavit averments and the documents available on record it goes to show that plaintiff has got a prima facie case on hand.

At this stage the plaintiff has made out sufficient grounds and prima-facia case so as to protect his right and interest over the suit schedule property. Hence, this court proceed to pass the following.

## **ORDER**

Pending disposal of IA No.1 the defendant No.1 and 2 are hereby restrained from alienating the suit schedule property in favour of 3<sup>rd</sup> person by way of an ad-interim temporary injunction order.

This order shall remain in force till the defendant filing WS and objection.

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 defendant No.1 and 2 in respect of IA No.1.

Issue suit summons to defendant No.1 and 2.

Issue ad-interim temporary injunction order in respect of IA No.1 and also issue suit summons to defendant No.1 and 2 returnable by: 02-12-2019.

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