

O.S.125/2023

Perused the pleadings and documents produced. The plaintiffs have filed this suit seeking for the relief of partition and separate possession of their 1/4th share in the suit schedule properties. The temporary injunction claimed is to restrain the defendants 1 to 3 from alienating the suit schedule properties to defendants 7 and 8 pending disposal of the suit. Considering the materials placed on record, the prima-facie case is made out at this stage. If the exparte order of

temporary injunction is not granted the very purpose of the suit getting defeated by reason of delay and the rights claimed by the plaintiffs getting jeopardized cannot be ruled out. Hence, it is necessary to dispense with the mandatory prior notice contemplated by law. Hence I proceed to pass the following :

ORDER

The defendants 1 to 3 are restrained from alienating the suit schedule properties to defendants 7 and 8 in any manner until the next date of hearing, by way of exparte ad-interim order of temporary injunction.

The Plaintiff is directed to comply with the Order 39 Rule 3 of C.P.C.

Issue exparte temporary injunction order in respect of suit schedule properties against the defendants 1 to 3 and 7 and 8 with notice on I.A. No.1 and Suit Summons to all the defendants if proper PF paid and sufficient copies furnished and if the above order is complied with returnable by2023.

Senior C.J. & JMFC.,
Nanjangud.

26.05.2023