

OS 163/2025

**AD-INTERIM INJUNCTION ORDER**

The suit is filed for the relief of partition and separate possession of their 1/3rd share in the suit schedule properties. Along with the suit I.A.I is filed for temporary injunction.

Meanwhile the learned counsel for the plaintiffs prays to ad-interim temporary injunction against the defendants restraining them from putting up construction in the schedule property. Ad-interim temporary injunction may be granted in partition suit only to restrict the defendants from alienation of suit schedule properties, because the alienation of joint family property will cause hardship to the plaintiffs. So, restriction of defendants from alienation may be called solid order. But here in the instant suit, the plaintiffs seek order for ad-interim temporary injunction restraining the defendants from putting up construction. Improvement of the joint family property shall not be restricted by way of court order. Apart from that, the plaintiffs bound to satisfy the court about the requirement of ad-interim temporary injunction before arrival of the

defendants. So, it is not proper to restrain the defendants from putting up construction if any. Therefore, prayer of the counsel for the plaintiffs for the relief of ad-interim temporary injunction is rejected.

Issue suit summons and notice on I.A.I to the defendants , if PF is paid.

Call on 03.09.2025.

Senior C.J. & JMFC.,  
Nanjangud.

24.06.2025