

05.12.2019

Perused the pleadings and documents produced. The plaintiff has filed this suit seeking for the relief of partition and separate possession for 1/4th share in the schedule properties. The temporary injunction claimed is to restrain the defendants from alienating

the suit properties and also cutting and removing the standing trees in the schedule property pending disposal of the suit. In respect of the existence of the standing trees, the plaintiff has not produced any photographs and hence, prima facie is not made out. However, in so far as I.A. No.1 is concerned, from the pleadings and materials placed on record, the prima facie is made out at this stage. If the exparte order of temporary injunction is not granted in respect of I.A. No.1, the very purpose of the suit getting defeated and the rights claimed by the plaintiff and getting jeopardize 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 are hereby restrained from alienating the suit properties in any manner until the next date of hearing, by way of exparte ad-interim order of temporary injunction.

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

Issue exparte temporary injunction order in respect of I.A. No.1 and emergent notice on I.A No.2 and notice on I.A. No.1 and Suit Summons to the Defendants if proper PF paid and sufficient copies furnished and if the above order is complied returnable by

Senior C.J. & JMFC.,
Nanjangud.