

O.S.263/2022

Perused the pleadings and documents produced. The plaintiffs have filed this suit seeking for the relief of declaration and partition. The temporary injunction claimed is to restrain the defendants from alienating the application schedule properties pending disposal of the suit. Considering the materials placed on record, the prima facie case is made out at this stage in respect of application schedule properties. 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 are restrained from alienating the application schedule properties in any manner until the next date of hearing, by way of exparte ad-interim order of temporary injunction.

The Plaintiffs are directed to comply with the Order 39 Rule 3 of C.P.C.

Issue exparte temporary injunction order in respect of application schedule properties against defendants with notice on I.A. No.I and Suit Summons to the Defendants if proper PF paid and sufficient copies furnished and if the above order is complied with returnable by 27/01/2023.

Senior C.J. & JMFC.,
Nanjangud.

15.11.2022