

Defendants and their counsel called out, absent. No representation. Order sheet discloses that, despite sufficient opportunities, the defendants have failed to file objections to I.A.No.I. Hence, objections of defendants to I.A.No.I is taken as not filed.

Heard learned counsel for plaintiffs on I.A.No.I

ORDERS

Perused the plaint, I.A.No.I filed u/Order 39 Rules 1 & 2 of C.P.C. and the connected affidavit sworn to by next friend of the plaintiffs and the documents produced by the plaintiffs.

The plaintiffs have filed this suit against the defendants for the relief of partition and separate possession in respect of suit schedule properties. It is the case of plaintiffs that, defendant No.2 to 4 are the children of defendant No.1. The plaintiffs are daughters of defendant No.4. Suit schedule properties are ancestral and joint family properties of plaintiffs and defendants. Defendant No.4 addicted to bad vices and neglected the plaintiffs. Now, the defendants are trying to alienate suit item No.2 in order to deprive the legitimate share of the plaintiffs. Despite sufficient opportunities, the defendants have failed to file objections to I.A.No.I.

The plaintiffs have produced R.T.C. and M.R. extract of suit Item No.2 property. The said documents produced by the plaintiffs goes to show that, katha of Item No.2 stands in the joint names of defendants. Learned counsel for plaintiffs argued that, defendants are trying to alienate the suit Item No.2. On perusal of the materials on record, at this stage the plaintiffs have made out a prima-facie case in order to grant order of temporary injunction in respect of Item No.2. If defendants succeed in their attempt of making alienation of suit Item No.2 property as alleged by the plaintiffs in I.A.No.I, it would give room for multiplicity of proceedings and encourages the litigation. It would be just and proper to restrain the defendants from alienating the suit Item No.2 property, in order to protect and preserve the suit schedule property, so that if ultimately, the plaintiffs who are the initiator of the suit, succeeds in the suit, they would not be put to inseparable and uncompensatable loss. The object is to keep the property in status quo so that it would be available to the plaintiffs, if they ultimately succeed in the suit. All the three necessary ingredients to grant temporary injunction are in favour of plaintiffs. Hence, I proceed to pass the following:-

ORDER

I.A.No.I filed by the plaintiffs u/Order XXXIX Rules 1 & 2 of C.P.C. is hereby allowed.

The defendants are hereby restrained by way of temporary injunction from alienating the suit Item No.2 property till disposal of the suit.

**I Addl. Civil Judge & JMFC.,
Nanjanagudu**