

ORDERS ON I.A.NO.1

The plaintiff has filed this suit for partition and separate possession in respect of suit schedule properties. Along with plaint, the plaintiff has also filed I.A.No.1 U/O.XXXIX Rules 1 and 2 of C.P.C., seeking an ad-interim Temporary Injunction Order against the defendants restraining them from not to alienate the suit schedule properties till disposal of the suit.

Heard the learned Counsel for plaintiff and perused the materials on record. In the plaint it is averred that the suit schedule properties are the ancestral joint family properties of herself and Defendant No.1 to 3. The Defendant No.1 was managing the joint family properties as Kartha of the family. There is no partition between plaintiff and defendants in respect of suit schedule properties. The defendants are trying to alienate the suit schedule properties to the third parties. Immediately she questioned the 1st defendant but the 1st defendant neglected and refused to make partition. Hence, she got issued a legal notice on 01.07.2025 but the defendants neither replied nor complied with the same and her request ended in a fiasco. Hence, she has approached this Court for necessary relief.

The plaintiff in her affidavit has further stated that, she has made out a prima-facie case and balance of convenience lies in her favour and if ad-interim temporary injunction is not granted as prayed in I.A.No.1, she will be put to irreparable

loss. Hence, the plaintiff has prayed temporary injunction as sought in I.A.No.1.

As per Rule 3 of Order 39 of the C.P.C., the power to grant an ex parte-interim injunction in exceptional circumstances based on sound judicial discretion to protect the plaintiff from appended injury may be granted.

It is well settled that, while granting injunction plaintiffs must show:-

- i. Existence of prima-facie case,
- ii. Balance of convenience and
- iii. The injury must be of an irreparable

loss that cannot be compensated in terms of money.

In the present case in order to grant an ad-interim temporary injunction, the plaintiff has produced RTC extracts, Sale Deed dated 08.07.2025, Encumbrance Certificate and legal notice. Perused the plaint averments, affidavit filed in support of IA.No.1 and also documents. Since there is an apprehension with regard to alienating the suit schedule properties. Hence, at this juncture, the plaintiff has made out grounds that, if temporary injunction order is not granted, the very purpose of filing this suit will be defeated and she will be put to irreparable loss and on the contrary no kind of loss will be caused to the defendant.

At this stage, this Court satisfied with the prima-faice case, in view of RTC extracts, Sale Deed dated 08.07.2025, Encumbrance Certificate and legal notice produced by the plaintiff. The

balance of convenience is also satisfactory. Accordingly, in the ends of justice and to avoid multiplicity of proceedings, this Court proceed to pass the following:-

ORDER

Issue exparte ad-interim Temporary Injunction order against the defendants restraining them from alienating over the suit schedule properties till next date of hearing.

The plaintiff shall comply Order 39 Rule 3(a) of C.P.C. However, the plaintiff shall file compliance affidavit and after compliance office is directed to issue T.I. order.

Issue notice on I.A.No.1, exparte T.I. order to defendant and suit summons to defendant.

Returnable by 18.09.2025.

Prl. Civil Judge & J.M.F.C.,
NANJANGUD.