

**ORDER ON IA-1 U/O 39 RULES**

**1 & 2 CPC**

Suit is for declaration and for perpetual injunction.

Plaintiff asserted that; suit property is his ancestral property, as it originally belongs to his grand father. Defendants are no way related to his family and they have no right over suit property despite they have managed to got entered their names in the revenue records and on the strength of said records they are trying to alienate the suit property to defeat the legal right of plaintiff. Hence, suit is filed.

Plaint is appended with IA-1; u/O 39 Rule 1 & 2 CPC, wherein it is prayed to restrain the defendants from alienating suit property.

Plaintiff has produced documents viz., G-tree, RTC extracts of suit land, reminder notice issued by AC, Tahsildar Notice, survey hissa tippani and survey notice. Apprehension of plaintiff is that; if the defendants are not restrained from alienating suit property, he will be

subjected to hardship which cannot be compensated by any means and it will lead to the multiplicity of proceedings.

On perusal of plaint, IA-I along with affidavit averments and documents relied by the plaintiff, it reveals that at the moment he has made out a prima facie case and there is no reason to suspect the bonafides of his case. If ex-parte order on IA-1 is not granted a situation may arise, which might become irreversible by the time the dispute is closed. If prior notice is not dispensed, the delay causing in service of notice defeats the very purpose of filing suit.

**ORDER**

Defendants are temporarily restrained from ***alienating*** the suit property i.e., land bearing Sy.No.52/14 (A) measuring 4As 13Gs of Maraduru village, Bettadapura Hobli, Periyapatna Taluk till further orders.

Issue ex-parte temporary injunction order on IA-I against defendants if

provisions of Order 39 Rule 3 CPC are complied.

*It is made clear that this order will not restrain the defendants from availing agricultural loans on the suit land.*

Issue suit summons & emergent notice on I.A.I to the defendants through Court & RPAD returnable by:  
**26.06.2023.**

**sd/-**  
**Senior Civil Judge,**  
**PERIYAPATNA.**