

**ORDER ON IA-1 U/O 39 RULES**  
**1 & 2 CPC**

Suit is for partition and separate possession.

Plaintiffs asserted that; they and defendant-1 are children of deceased Kalingegowda and Lakshamma; suit properties are ancestral properties; they are in joint possession; there is no severance of joint status. 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 properties.

Plaintiffs have produced documents viz., RR-5 & RR-6, mutation extract, RTC extracts, death certificate and tobacco license. Apprehension of plaintiffs is that; if the defendants are not restrained from alienating suit properties, they 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-1 along with affidavit averments and documents relied by the plaintiffs, it reveal that at the moment they have made out a prima facie case and there is no reason to suspect the bonafides of their 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** suit properties i.e., lands bearing Sy.No.3/1 (old Sy.No.3) (3As 8Gs) & Sy.No.3/2 (old Sy.No.3) (1A 5Gs) of Hunasekuppe village, Kasaba Hobli, Periyapatna Taluk **till further orders.**

Issue ex-parte temporary injunction order on IA-1 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 lands.*

Issue suit summons & emergent notice on IA-1 to the defendants through Court & RPAD returnable by:

**29.01.2024.**

**sd/-**

**Senior Civil Judge,  
PERIYAPATNA.**