

ORDERS

The plaintiff has filed this suit against the defendants for the relief of partition and separate possession in respect of the suit schedule property.

2. The plaintiff has filed I.A.No.II U/O.39, Rule 1 and 2 of C.P.C., praying to grant ex-parte ad-interim temporary injunction order in favour of plaintiff and against the defendants, their servants, agents or any other person acting on their behalf from not to alienate the suit schedule property by way of sale, mortgage, lease or gift in any other mode till pending disposal of the suit.

3. The plaintiff has produced R.T.C extracts, copy of Relinquish Deed dated:26.06.2019 and copy of Genealogical tree.

4. On perusal of the pleadings and documents filed by the plaintiff, it is crystal clear that presently the suit schedule property is standing in the name of defendant No.3. Now the defendants are trying to alienating the suit schedule property to third person. At this stage, this Court is of the opinion that, the plaintiff has made out prima-facie case to grant temporary injunction. If temporary injunction is not granted as prayed, the

purpose of filing the suit would be defeated and also it would cause hardship and inconvenience to the plaintiff. Thus, ex-parte temporary injunction may be granted by dispensing with the notice to the defendants on I.A.No.II as the very object of granting injunction would be defeated by delay if notice is issued. Therefore, by considering the facts and circumstances, I proceed to pass the following:-

ORDER

Issue ad-interim temporary injunction against the defendants, their servants, agents or any other person acting on their behalf are restrained from not to alienate the suit schedule property in any manner till next date of hearing.

The plaintiff is hereby directed to compliance under Order 39 Rule 3(a) of C.P.C.

Issue T.I Order on I.A.No.II and suit summons to the defendants.

Returnable by:

**C/c Civil Judge & J.M.F.C.,
T.Narasipura.****