

ORDERS ON I.A.NO.II & III

The plaintiff has filed this suit against the defendants for the relief of Partition and Separate Possession in respect of the suit schedule properties.

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 defendant No.1 & 2, their agents or any other person acting on their behalf from alienating the 'A' schedule item No.1, 2 & 5 of the suit schedule properties and 'B' suit schedule property in any manner till pending disposal of the suit.

3. The plaintiff has also filed I.A.No.III 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 defendant No.5, his agents or any other person acting on his behalf from alienating the item No.3 & 4 of the suit schedule 'A' properties in any manner till pending disposal of the suit.

4. The plaintiff has produced R.T.C extracts, Demand register extracts, copy of Sale Deed dated:15.02.2025, Genealogical tree.

5. On perusal of the pleadings and documents filed by the plaintiff, it is crystal clear that, defendant No.2 has sold the item No.3 & 4 of the suit schedule 'A' properties under registered Sale Deed dated:15.02.2025 in favour of defendant No.5. Further, presently the I.A./item No.1 & 2 of the suit schedule properties are standing in the name of defendant No.1 and item No.5 of the suit schedule property is standing in the name of defendant No.2 and item No.3 & 4 of the suit schedule properties are standing in the name of defendant No.5. Now the defendants are trying to alienating the suit schedule properties 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 & III 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 defendant No.1, 2 & 5. The defendant No.1, 2 & 5, their agents or any other person acting on their behalf are hereby restrained from not to alienate the suit schedule properties 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 & III and suit summons to the defendants.

Returnable by:10.06.2025.

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