



IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C.,
DEVADURGA

Present:
Sri.Suresh Annappa Savadi., B.A., L.L.B, (Spl).,

Senior Civil Judge & JMFC, Devadurga.

O.S.No.142/2024

DATED : THIS THE 25th DAY OF MARCH 2026

Plaintiff: Smt.Khairunnisa Begum W/o. Late
Mohammed Murtuza.

(By Sri.A.R.G., Advocate)

--V/s--

Defendants: Hazira Begum W/o. Late Noor Ahmed
and others.

(D.1 to 8 & 10 by Sri.G.P.advocate)
(D.9 by Sri.M.D.K.Advocate)

Provision under which the application is filed	U/o.XXXIX rule 1 and 2 R/w.Sec.151 of C.P.C.
Relief sought for	Temporary injunction.
The date on which the application is filed	25.10.2024 and 06.01.2026
Number of the application	IA.No.I and III
The date on which the objections are filed by different opponent	WS dated 25.06.2025
The date on which the orders were passed on the said application	25.03.2026



ORDER ON IA NO.I AND III

The plaintiff filed IA No.1 and the defendant no.9 filed IA No.3 U/o.39 Rule 1 and 2 R/w.Sec.151 of C.P.C., to restrain the defendant no.1, 3 and 10 from alienating the suit schedule properties till disposal of the suit.

2. In the affidavits contended that the plaintiff filed this suit for partition. The defendants taking advantage of their names appearing in the revenue records and trying to alienate the suit schedule property. Hence it is necessary to restrain the defendants from alienating the suit schedule property. Hence prays to allow the applications.

3. On the other hand the defendant no.9 filed his written statement and also filed memo to considered the written statement as objection to IA No.1 except the defendant no.9 other defendants did not filed written statement. In the written statement defendant no.9 contended that prays to decree the suit of the plaintiff and allot his share in schedule A and B properties.

4. Heard both the sides.

5. The following points arises for my consideration;

1. Whether the plaintiff has made out the prima-facie case ?
2. Whether the plaintiff show that the balance of convenience lies in their favour?



3. Whether the plaintiff show that, if application is not allowed, the plaintiff will put to irreparable injury ?
4. What order ?
6. My answered to the aforesaid points are as under;
- Point No.1 to 3 : In the affirmative;
- Point No.4 : As per final order
for the following

R E A S O N S

7. **POINT NO.1 to 3:** These points are interlinked with each other and to avoid the repetition of facts and separate discussion taken together for common consideration.

8. After going through the material available on record the plaintiff filed this suit for partition against the defendant no.1 to 10 in respect of suit schedule A and B properties of the plaintiff and defendants. The defendant no.9 filed her written statement and contended that decree the suit and also allot the 2/8th share to defendant no.9 in schedule A and B properties. The other defendants though appeared through counsel but did not filed written statement and not contested the suit. The rights of the parties are involved. The plaintiff has submitted no objection to IA No.3. Considering the material the properties are standing in the name of defendant no.1. As per the plaintiff the defendants are trying to alienate the suit property. Hence under such circumstances it is necessary to



restrain the defendants from alienating the suit schedule property to avoid the multiplicity of proceedings. Hence this court is of the opinion that the plaintiff and defendant no.9 has made out prima-facie case and balance of convenience lies in their favour. Hence this court answered the Point No.1 to 3 in the partly affirmative.

9. **POINT NO.4:** For the reasons stated in the Point No.1 to 3, this court proceed to pass the following;

ORDER

The I.A.No.1 and 3 filed by the plaintiff and defendant no.9 U/o. XXXIX Rule 1 & 2 r/w Sec.151 of CPC is hereby partly allowed.

The defendant no.1 is restrained from alienating the suit schedule properties till disposal of the suit.

(Dictated to the stenographer directly on the computer, typed by him, corrected by me and then pronounced in the open court on this the 25th day of March 2026)

(Sri.Suresh Annappa Savadi)
Senior Civil Judge & JMFC.,
Devadurga.