

The present suit is filed by the plaintiffs against the defendants seeking relief of partition and separate possession. The plaintiffs also maintained an application U/o 39 Rule 1 and 2 of CPC seeking ad-interim temporary injunction restraining the defendants from alienating the suit schedule properties in any manner by means of gift, sale, mortgage, hypothecation etc., to anybody in any manner pending disposal of suit.

In support of their contention, the plaintiffs have produced several documents pertaining to suit property. I have perused the averments made in the affidavit, plaint and documents relied by the plaintiffs. The plaintiffs are claiming right of share over the suit properties on the ground that suit schedule properties are their ancestral joint family properties and have also produced RTC extracts with respect to suit schedule properties and also the family tree to establish the relationship. In RTC extracts properties are standing in the name of Chindegowda @

Pichegowda, allegedly the grand father of plaintiffs and defendant No.2 and plaintiffs further contend that defendants are enjoying the income arising out of suit schedule properties without providing plaintiffs their legitimate share. At this stage, I am of the opinion that the very purpose of the suit will be defeated in issuing prior notice and in order to avoid suit schedule properties from being alienated, altered or damaged, it is just and necessary to grant intended order. The plaintiffs have made out arguable case against defendants. Hence, I proceed to pass the following;

**ORDER**

The defendants are hereby restrained from alienating the suit schedule properties in any manner by means of gift, sale, mortgage, hypothecation etc., to anybody, by way of ad-interim temporary injunction till next date of hearing.

Office shall issue exparte T.I Order if plaintiffs have complied the mandatory provision U/o 39 Rule 3(a) of CPC and

Issue Process through ordinary service as well as RPAD if furnished.

Call on 22.05.2023

**Sd/-**

**I Addl Civil judge & JMFC.,  
Kanakapura.**