

The plaintiffs have filed this suit for the Partition and moved an I.A. No-2 U/o 39 Rules 1 & 2 R/w Sec.151 of C.P.C., to pass an ad interim order of temporary injunction restraining the defendants, their servants or agents, or anybody acting on their behalf from alienating or creating any encumbrances to the suit schedule property or any portion thereof in favour of any third party pending disposal of the above case in the interest of justice and equity. In view of the extreme urgency mentioned in the affidavit, and the nature of relief sought by the plaintiffs, it is respectfully prayed that this Hon'ble court be pleased grant an ad interim of temporary injunction of the like nature, dispensing with service of notice to the defendants pending final disposal of the above suit, in the

interest of justice and equity dispensation of notice IA NO.I to other side.

On perusal, plaint averments and documents schedule property stands in the name of plaintiffs it is revealed that, the plaintiffs have made out prima-facie case and if an exparte order of injunction is not granted the plaintiffs will be put to very great hardship, loss and inconvenience. Hence notice to the defendants are dispensed with.

The Hon'ble Supreme Court of India in a decision reported in AIR 2011 SCW 4000 (Rameswaridevi and others V/s Nirmaladevi held that "the court has to grant exparte injunction in exceptional cases, then while granting injunction, it must record in the order sheet that, if the suit is eventually dismissed, the plaintiff

will have to pay full restitution, actual or realistic costs and hence I proceed to pass the following:-

ORDER

Issue an Order of Exparte Ad-Interim Temporary Injunction on I.A.No.II against the defendants.

Defendants are restrained from “**not to alienate or creating any encumbrances**” the suit schedule property to any other persons in any manner till **next date of hearing** and objection to I.A.No.I with due notice to the plaintiffs and subject to the following conditions:-

The plaintiff shall give express undertaking that, if the suit is dismissed, he will have to pay the full restitution and actual or

realistic costs incurred by the defendants.

The plaintiffs shall comply the order XXXIX Rule 1 and 2 of CPC i.e., the plaintiff shall send copies of the plaint, I.A.No-I and document through registered post.

Failure to comply as stated in the conditions, the T.I order granted stands cancelled automatically.

An order of injunction will commence only after the compliance of the above conditions.

Issue suit summons, Emergent Notice on I.A.No.I and T.I. Order to Defendant and issue suit summons to defendant.

R/by 04-08-2018

**2nd Addl. Civil Judge & JMFC.,
Magadi.**