

**ORDERS ON EXPARTE T.I.**

This suit is for relief of **Partition & Separate Possession** and also filed I.A. No.2 U/o-39 Rule 3 of C.P.C seeking dispensation of notice on I.A No.1 filed U/o-39 Rules 1 and 2 of C.P.C. seeking temporary injunction restraining the defendant no.1 from alienating or creating encumbrance or charge over the suit schedule property and prayed ad-interim injunction.

Heard. Perused the case records, G-Tree, RTC's and M.R. extracts of suit property, I am of the opinion that, plaintiffs have got triable case at this stage, if injunction is not granted before issuing notice on I.A No.1, the defendant no.1 is likely to alienating or creating encumbrance or charge over the suit schedule property to third parties in order to defraud the rights of the parties as the property is standing in 1<sup>st</sup> defendant's name. In such circumstances, the plaintiffs will be put to

irreparable hardship and object of granting the injunction will be defeated by delay and application becomes an infructuous. Hence, notice on I.A 2 is dispensed for the time being and I proceed to pass the following:-

### **ORDER**

**I.A No.2 filed U/o-39 Rule 3 of C.P.C is hereby allowed.**

Consequently, exparte temporary injunction is hereby granted by **restraining the defendant no.1 from alienating or creating encumbrance or charge over the suit schedule property till disposal of I.A. No-I.**

If the court comes to conclusion that the exparte temporary injunction is obtained on insufficient grounds or there are no probable grounds for instituting the suit, the plaintiff will face the consequences as mentioned in Sec-95 of C.P.C.

Issue suit summons to defendants and notice on I.A No.1 to defendant no.1 and temporary injunction order after complying the provision of Order-39 Rule-3 of C.P.C.

**Further plaintiffs are hereby direct to furnish the 13 years E.C. of suit property.**

R/by 02-01-2017.

(K.M. Ananda)  
Addl. Civil Judge & J.M.F.C.,  
Magadi 5-12-16.