

Order on IA No. 1

The Plaintiff has filed IA No. 1 under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure (CPC), seeking an order of temporary injunction to restrain the Defendants from alienating or encumbering the suit schedule properties pending the disposal of the suit.

The Court has heard the learned counsel appearing for the Plaintiff regarding the prayer for an *ex parte* order of temporary injunction.

Upon perusing the averments in the plaint and the supporting affidavit, it is observed that the Plaintiff seeks a partition of his one-fifth share in the suit schedule properties. The Plaintiff's case is that he and the late husband of Defendant No. 1 were brothers. It is alleged that the suit schedule properties stood in the name of Defendant No. 1's husband solely because he was the elder member of the family. The Plaintiff contends that these properties were originally granted to the deceased husband on behalf of the joint family.

Following the demise of Defendant No. 1's husband on August 9, 2025, the *Khata* of the suit properties was transferred to

the name of Defendant No. 1. The Plaintiff alleges that Defendant No. 1, taking advantage of the *Khata* registration, is making attempts to alienate the properties.

From a *prima facie* perusal of the pleadings, it appears that the properties were granted to the husband of Defendant No. 1 in his capacity as a member of the joint family. Whether the suit properties are truly ancestral and joint family assets is a matter to be determined at trial.

However, should the Defendants alienate or encumber the properties during the pendency of IA No. 1, it would lead to a multiplicity of proceedings and further complicate the lis. Accordingly, this Court passes the following;

Order

Ad-Interim Injunction: An *ex parte* order of temporary injunction is hereby granted, restraining the Defendants from alienating or encumbering the suit schedule properties until the next date of hearing.

The Plaintiff shall strictly comply with the provisions of Order XXXIX, Rule 3 of the CPC.

Failure to do so shall result in the automatic vacation of this interim order.

Issue suit summons and notice on IA No. 1 to the Defendants, returnable by 11.03.2026.

I Addl. Civil Judge and JMFC.,
Shikaripura