

ORDERS ON IA-I

The plaintiff has filed I.A. No. 1 under Order XXXIX Rule 1 and Rule 2 of the CPC, seeking an order of temporary injunction to restrain the defendants from alienating, creating an encumbrance, or establishing third-party interests over the suit schedule property until the disposal of the suit.

Heard, the learned counsel appearing for the plaintiff on ad-interim ex-parte relief of temporary injunction.

In the affidavit accompanying the above application, as well as in the plaint, the plaintiff has stated that he has filed the present suit seeking a decree of partition to the extent of a one-fifth share in the suit schedule properties. It is the case of the plaintiff that one Ramachandra Shetty, who is non other than father of Plaintiff, is the propositus of the family of the plaintiff and defendants. The said Ramachandra Shetty was cultivating the suit schedule properties. The Land Tribunal, recognizing his long-standing cultivation, granted Form No. 10 on 02.07.2004 with respect to the suit properties in favor of Defendant No. 1 who is none other than wife of Ramachandra Shetty and mother of the Plaintiff.

It is the specific case of the plaintiff that, at the time of the grant of the suit property, the said Ramachandra Shetty was deceased; therefore, Form No. 10 was issued in the name of Defendant No. 1 on behalf of the family. Since the suit properties are the ancestral properties of the plaintiff and defendants, he has sought a one-fifth share in the suit properties. However, the

defendants have refused to effect a partition; hence the present suit.

From a perusal of the plaint averments as well as the affidavit accompanying the above application, it is forthcoming that the plaintiff has a triable case in the present suit. That being the case, if the defendants succeed in their attempt to alienate, encumber, or create third-party interests over the suit schedule property before the disposal of the IA.No.1 it would frustrate the very purpose of filing the IA.No.1. Hence, this court deems it appropriate to pass the following:

Order

An ex-parte, ad-interim relief of temporary injunction is granted, restraining the defendants from either alienating, encumbering, or creating third-party interests over the suit schedule properties until the next date of hearing.

The plaintiff shall comply with the provisions of Order XXXIX Rule 3 of the CPC.

Failing which, the interim order shall stand vacated.

Issue summons and notice on I.A. No. 1 to the defendants, returnable by 08.06.2026.

I Addl. Civil Judge and JMFC.,
Shikaripura.