

ORDERS

1. Heard Learned Advocate for plaintiff.
2. Perused the materials on record.
3. On perusal it reveals that the instant suit is filed by the plaintiff seeking relief of partition and separate possession of his 1/5th share in the suit schedule properties. The plaintiff has filed IA.No.I under order 39 rule 1 and 2 r/w., section 151 of CPC and sought an exparte order of temporary injunction to restrain the defendant No.1 & 4 from alienating the suit schedule properties in any manner till disposal of the suit.
4. The plaintiff has contended that the suit schedule properties are the joint family properties and in which he is having a definite share. It is the apprehension of the plaintiff that defendants No.1 & 2 on the strength of entry of their name in the concerned Revenue records may alienate the suit schedule properties and in such an event he will be put to untold hardship. On careful perusal of the pleadings and documents on record it reveals that at this stage the plaintiff has made out existence of a prima-facie case in his favour. Taking into consideration the revenue records pertaining to the suit schedule properties, the court opines that if the defendants No.1 & 4 are restrained from alienating the suit item Nos.2, 3, 5 & 6 till next date of hearing, it will meets the ends of justice. Further the court opines that if the preventive order as sought by the plaintiff if not granted, the purpose of filing suit may be frustrated.

Hence, the court opines that prior notice to defendants needs to be dispensed with. Hence, with these observations, the court proceeds to pass the following

ORDER

Defendant Nos.1 & 4 or any person claiming through or under them are hereby restrained from alienating the suit Item Nos.2, 3, 5 & 6 in favour of any one in any manner by way of grant of an order of ex parte temporary injunction.

The above said order shall be in force till next date of hearing only.

Plaintiff shall comply with the mandatory provision of order 39 rule 3(a) of CPC.

Office is hereby directed to issue copy of the temporary injunction order only if plaintiff complies with the order of the court and pays sufficient process fee.

Issue suit summons and notice on IA.I and copy of the temporary injunction order to the defendants returnable by

Prl.Civil Judge & JMFC.,
Chikkanayakanahalli.