

The Plaintiff has filed the present suit against the Defendant for the relief of partition and separate possession of the Plaintiffs' ½ share in all the suit properties. Along with the plaint the Plaintiff has filed an application under Order 39 Rule 1 & 2 R/W Section 151 of CPC seeking ad-interim order of temporary injunction by restraining the Defendant from alienating the suit properties, until pending disposal of the suit.

Already heard the arguments of the learned Counsel for the Plaintiff.

It is the argument of the Advocate for the Plaintiff that, the plaintiff and defendants are brother and sister and children of one Sri.Appanna S/o Kaduraiah. That subsequent to his death and after the death of their mother, the Defendant is acting detrimental to the interest of the Plaintiff herein and has got the khata of the properties changed in his name and thereby denying the legitimate share of the Plaintiff. Hence, this suit.

Further, it is contended that the Defendant is making hectic efforts to alienate the suit properties by taking advantage of the revenue documents. Hence, the Plaintiff has sought for an ad interim order of temporary injunction thereby restraining the Defendant from alienating the suit properties.

I have carefully perused the plaint and the documents annexed thereto. It is pertinent to state here that the Plaintiff and Defendants are the children of one Sri.Appanna S/o Kaduraiah and that the ad-interim relief sought for is to restrain the Defendant from alienating the suit properties. The RTC of the suit properties reveal that the Defendant has got the Khata changed in his name by virtue of "Pavati Varasu". Hence the apprehension of the Plaintiff that the Defendant would take advantage of the same and alienate the suit properties, is justified.

At this juncture, the Plaintiff has made out a prima

facie case against the Defendant, and thus this court is of the opinion that the very purpose of the suit would be frustrated if prior notice is issued, and in order to avoid multiplicity of proceedings and to safeguard the suit properties from being altered, damaged, alienated, etc., this court proceeds to pass the following:

ORDER

The Defendant, his agents or anybody on his behalf, is hereby restrained by way of ad-interim temporary injunction from alienating the suit properties in any manner, till the next date of hearing.

Issue ex-parte order of temporary injunction against the Defendant.

The Plaintiff shall comply the mandate U/o 39 Rule 3(a) of CPC.

Office is directed to issue the certified copy of the TI after the compliance under U/o 39 Rule 3(a) of CPC by the Plaintiff.

Issue emergent notice on I.A.No.1 and suit summons to Defendant, returnable by 26/06/2023

sd/-

ACJ & JMFC., C.N.Halli