

::ORDER ON I.A.No.I::

The plaintiffs have filed present suit for the relief of partition and separate possession against the defendants with respect to suit schedule properties.

The plaintiffs have filed this IA No.I U/O 39 Rule 1 and 2 CPC to restraining the defendant No.3 from alienating or creating any encumbrance over the suit schedule properties in any manner till disposal of the suit.

I have perused the plaint, I.A.No.I, accompanying affidavit and the documents produced by the plaintiffs in support of their case.

On perusal of the documents it appears that plaintiffs have made out prima-facie case and balance of convenience lies in their favour.

Therefore, this court opines that ordering notice to the opponents would delay the proceedings and results in the suit becoming infructuous and if the application is not

allowed, the plaintiffs will be put to hardship and inconvenience and if ex-parte temporary injunction is not granted the very purpose of the suit will be defeated. Hence, I proceed to pass following;

ORDER

The defendant No.3 or his agents, servants or anybody acting on behalf of him is hereby restrained from alienating or creating any encumbrance over the suit schedule properties, till filing of written statement.

The plaintiffs are hereby directed to comply order 39 Rule 3 of CPC.

Office is hereby directed to issue SS and notice of I.A.No.I to defendant No.3 and order of ex-parte injunction after compliance r/by 18.08.2026.

Sd/-

Addl. Civil Judge & JMFC.,
Kunigal.