

: ORDER ON I.A.No.I

Heard Sri. S.R.R., counsel for plaintiff on I.A.No.I filed under Order XXXIX Rules 1 and 2 of CPC and perused the materials on record. The plaintiff has filed I.A.No.I seeking an order of Temporary Injunction restraining defendant No.1 to 3 and their agents, servants, or anybody claiming under them from alienating the suit schedule properties till the disposal of the suit.

2. It is the case of the plaintiff that he has filed the suit for partition and separate possession of plaintiff's $\frac{1}{4}^{\text{th}}$ share in the suit schedule properties. The suit schedule properties are the joint family properties of himself and defendants. The katha and pahani of the suit schedule properties are made out in the name of defendant No.1 to 3. By taking advantage of the same behind the back of plaintiff defendant No.1 to 3 are trying to alienate suit schedule properties in favour of strangers, in order to defeat and defraud his right over the suit schedule properties. Therefore, in order to stop the illegal act of the defendants, he has filed this application.

3. The Plaintiff has produced G-Tree, RTCs', M.R. extracts. On its perusal it prima facie goes to show

the relationship between the plaintiff and defendants and suit schedule properties are the ancestral and joint family properties of plaintiff and defendants. As per the M.R. extract the katha of the suit schedule properties is mutated in the name of defendant No.1 and 3. RTCs' of the suit schedule properties are jointly stands in the name of defendant No.1 and 3 along with others. At this stage, if defendant No.1 and 3 alienate the suit properties in favour of 3rd parties, it defeat the right and interest of the plaintiff over the suit properties and plaintiff will be put to hardship and injury which leads to multiplicity of proceedings. Materials also show that, there is prima-facie case in favour of the plaintiff. Hence, I pass the following;

:ORDER:

The defendant No.1 to 3, their agents, servants or anybody claiming under them are hereby restrained by an order of ex-parte temporary injunction from alienating the suit schedule properties till the next date of hearing.

The plaintiff shall comply the proviso under Order XXXIX Rules 3(A) of C.P.C.

Issue suit summons to defendants and
T.I notice of I.A.No.1 to the defendant No.1
to 3.

Returnable by - .

Sd/-
Prl. Senior Civil Judge & JMFC.,
Madhugiri.