

Heard Sri. H.V.S. counsel for plaintiffs on I.A.No.1 filed under Order XXXIX Rules 1 and 2 of CPC and perused the materials on record. The plaintiff No.2 has filed I.A.No.1 seeking an order of Temporary Injunction restraining defendant No.2 and 8 or their agents, legal heirs, servants or anybody acting on behalf of them from alienating item No.1 and 2 of the suit schedule properties in any way in any manner till the disposal of the suit.

2. It is the case of the plaintiffs that suit schedule properties are the ancestral and joint family properties of themselves and defendants. Item No.3 to 11 are standing in the name of their father Chikkbyatanna and the suit properties item No.1 and 2 are standing in the name of defendant No.2 and 8 and they are also having 1/10 share each in the suit schedule properties along with defendants. Defendant No.2 and 8 by colluding with each other are attempting to change the katha and pahani of suit item No.3 to 11 in their names and they are attempting to alienate the same to somebody and hence, in order to stop the illegal acts of defendant No.2 and 8 plaintiff No.2 has filed this I.A.

3. The Plaintiff No.2 has produced G-Tree, RTC extracts. On its perusal it prima facie goes to show the relationship between the plaintiffs and defendants and

some of the RTCs' are stands in the name of father of plaintiffs and defendants and RTCs' in respect of suit item No.1 and 2 are stands in the name of defendant No.8 and 2. At this stage, if the defendant No.2 and 8 alienate the suit properties in favour of third parties, it defeats the right and interest of the plaintiffs over the suit properties and also leads to multiplicity of proceedings. Hence, there is prima-facie case in favour of the plaintiffs. Hence, I pass the following;

:ORDER:

The defendants No.2 and 8 or their agents, legal heirs, servants or anybody acting on behalf of them are hereby restrained by an order of ad-interim ex-parte temporary injunction from alienating item No.1 and 2 of the suit schedule properties in any way in any manner till the next date of hearing.

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

Issue suit summons to the defendants and T.I notice of I.A.No.1 to the defendant No.2 and 8.

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