

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 and his agents, servants or anybody claiming under him 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 seeking $\frac{1}{2}$ share in the suit "A" and "B" schedule properties. The suit schedule properties are the joint family properties of himself and defendants. The defendant has no manner of right, title, interest over the suit properties, but behind the back of himself, defendant has changed the khatha in respect of the suit properties and now on the basis of said khatha he is trying to alienate the suit properties in favour of strangers. Hence, he demanded the defendant to partition the suit schedule properties, but he refused to do so. Therefore, in order to stop the illegal act of the defendant, he has filed this application.

3. The Plaintiff has produced G.Tree, RTCs', Katha extract. On its perusal it prima facie goes to show the relationship between the plaintiff and defendant and suit schedule properties are the joint family properties

of plaintiff and defendant. All the RTCs' are stands in the name of father of plaintiff and defendant in respect of "A" schedule properties and katha extract are stands in the name of plaintiff and defendant. At this stage, if defendant alienate the suit properties in favour of 3rd parties, it defeats the right and interest of the plaintiff over the suit properties. Therefore, if the defendant alienates the suit schedule properties in favour of others, the 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, their agents, servants or anybody claiming under him are hereby restrained by an order of ad-interim ex-parte temporary injunction from alienating suit schedule properties in favour of 3rd parties, pending disposal of the suit.

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

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

Returnable by - .

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

