

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 the defendants and their agents, servants or anybody claiming under them from alienating or encumbering the suit schedule property in favour of any body or in favour of any banks till disposal of the suit.

2. In the accompanying affidavit it is stated that, the plaintiff has filed this suit against the defendants for cancellation of sale deed in respect of the suit schedule property. It is further contended that, he is the owner in possession and enjoyment of the suit property, since he is in Andrapradesh he is not in a position to look after the suit property personally, hence he has executed a registered G.P.A in favour of 1st defendant. Taking advantage of the same defendant No.1 got registered the sale deed dated 06.07.2015 on his behalf and get the revenue entries in his name. Again this defendant executed the gift deed dated 30.06.2021 in favour of his son 2nd defendant behind the back of this plaintiff. Now on the basis of the revenue entries they are trying to alienate the suit property in favour of strangers and also trying

to obtain loan from the bank.

3. The Plaintiff has produced RTCs', sale deed dated 06.07.2015, gift deed dated 30.06.2021 pertaining to the suit schedule property. On its perusal it prima facie goes to show that suit schedule property is the property of plaintiff and he has executed the sale deed in favour of 1st defendant and 1st defendant had gifted the said property in favour of his son 2nd defendant and RTC for the year 2020-21 with respect to Sy.No.211 is also stands in his name. Plaintiff has contended that he has executed GPA in favour of D.1, but he has concocted sale deed and later gifted to his son. Since the plaintiff has challenged the said sale deed and suit is for declaration and permanent injunction. At this stage, if defendants No.1 and 2 alienate the suit property to third party it defeats the right and interest of the plaintiff over the suit property. If this I.A is allowed, no hardship will be caused to the defendants. On the other hand, if the I.A. is not allowed, plaintiff will be put to great hardship, irreparable loss and injury which cannot be compensated by any means. Materials also show that, there is prima-facie case in favour of the plaintiff. Hence, I pass the following;

:ORDER:

The defendants No.1 and 2 are hereby restrained by an order of ad-interim ex-parte temporary injunction from alienating or mortgaging or gifting the suit schedule property in favour anybody in any mode or manner 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 and T.I notice of I.A.No.1 to the defendants.

Returnable by

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