

Heard Sri. T.D.M., counsel for plaintiff on I.A.No.1 filed under Order XXXIX Rules 1 and 2 of CPC and perused the materials on record. The plaintiff has filed I.A.No.1 seeking an order of Temporary Injunction restraining the defendants, their heirs, henchmen, representatives or any persons claiming under them in any mode or manner from alienating the suit schedule properties pending disposal of the suit.

2. It is the case of the plaintiff that the suit schedule properties are belongs to his father late Balaiah, he had acquired the same through succession from his ancestors and in possession and enjoyment of the same along with his son plaintiff and defendants No.1 to 4. After the death of his father revenue entries stands in the name of defendant No.3. Defendant No.3 in collusive with his wife and children has created forged and concocted documents in order to grab the valuable share of the plaintiff. Defendant No.3 has mismanaged the affairs of the suit schedule properties in collusive with other defendants and managed to get all the documents in his name and in the name of defendant No.3, 5 to 7. Hence, the plaintiff demanded for partition, but defendant No.3 flatly refused to effect partition. Defendant No.3 colluding with other defendants is attempting to alienate the suit

schedule properties to the third parties to defeat and defraud the rights of plaintiff. Hence, plaintiff has constrained to file this application.

3. The Plaintiff has produced G-Tree, RTCs', Mutation extracts, Mortgage deeds, gift deeds. On its perusal it prima facie goes to show that the plaintiff and defendants are the members of the joint family and suit schedule properties are the ancestral and joint family properties of plaintiff and defendants. Hand written RTCs' stands in the name of father of plaintiff and defendants. Some of the computerized RTCs' are standing in the name of defendant No.3 to 5 with respect to suit schedule properties. M.R. extracts are also mutated in the name of defendant No.3 with respect to suit schedule properties. At this stage, if defendants alienate the suit properties to the third party, it defeats the right and interest of the plaintiff over the suit properties. 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, their agents or their heirs, henchmen, representatives or any persons claiming under them are hereby restrained by an order of ad-interim ex-parte temporary injunction from alienating the suit schedule properties, pending disposal of this 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.1 to the defendants.

Returnable by

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