

ORDER ON I.A.No.I

Heard Sri. P.C.K.R., counsel for plaintiff on I.A.No.I and 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 ad interim order of Temporary Injunction restraining defendants No.8,11,19, 20 and 25 and their agents, servants or anybody claiming under them from alienating or encumbering the suit schedule item No.1, 2, 5, 6, 7, 8 and 10 in any mode or manner till the disposal of the suit.

2. It is the case of the plaintiff that she has filed the suit for partition and separate possession. Suit schedule properties are the ancestral and joint family properties of plaintiff and defendants and there was no partition. Taking undue advantage of revenue entries standing in the name of suit item No.1, 2, 5, 6, 7, 8 and 10 in the name of defendant No.8, 11, 19, 20 and 25 they are trying to alienate the same in favour of 3rd parties in order to defeat and defraud the right of plaintiff. Hence, the plaintiff requested the defendants to effect partition, but they refused to do so. Therefore, in order to stop the illegal act of the defendants, she has filed this application.

3. The Plaintiff has produced G-Tree, RTCs'. On its perusal it prima facie goes to show the relationship between the plaintiff and defendants. Recent RTCs' of suit schedule properties are stands in the name of defendants No.8, 11, 19, 20 and 25 in respect of item

No.1, 2, 5, 6, 7 and 8 suit schedule properties. At this stage, if defendants alienates the suit schedule properties in favour of 3rd parties, it defeats 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 shows that, there is prima-facie case in favour of the plaintiff. Hence, I pass the following;

:ORDER:

The defendant No.8, 11, 19, 20 and 25 and their agents, servants or anybody claiming under them are hereby restrained by an order of temporary injunction from alienating or encumbering the suit schedule properties 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 to the defendants and T.I notice of I.A.No.1 to the defendant No.8, 11, 19, 20 and 25.

Returnable by -

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