

ORDER ON I.A.No.I

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 ad interim order of Temporary Injunction restraining defendant No.2 to 4 and 6 to have revenue entries as per the registered gift deed dated 02.01.2024 in respect of suit item No.6 bearing Sy.No.51/6 till the disposal of the suit.

2. It is the case of the plaintiff that he has filed the suit for his 1/5th share in respect of the suit schedule properties. The suit schedule properties are the ancestral and joint family properties of himself and defendants and there is no partition between them. The suit item No.6 was allotted to the share of his father under registered partition deed dated 01.01.1997. The defendants behind the back of plaintiff has executed registered gift deed dated 02.01.2024 in respect of suit item No.6 in favour of defendant No.2 to 4 and 6 and they are trying to change the khata and pahani in their names. Therefore, in order to stop the illegal act of the defendants plaintiff has filed this application.

3. The Plaintiff has produced G-Tree, partition deed dated 01.01.1997, RTCs' and gift deeds. Said G-Tree prima facie goes to show the relationship between the plaintiff and defendants. Partition deed dated 01.01.1997 said to have effected between defendant No.1 and his brothers wherein item No.6 of the suit

property was allotted to the share of defendant No.1. Recent RTC goes to show that suit item No.6 stands in the name of defendant No.1. As per gift deeds dated 02.01.2024 suit item No.6 to an extent of 0.20 guntas each is gifted to defendant No.2 to 4 and 6 by the defendant No.1. At this stage, if defendant 2 to 4 and 6 try to change the revenue entries of the suit property in their names and alienates it, then it defeats the right and interest of the plaintiff over the suit property and 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 No.2 to 4 and 6 are hereby restrained by an order of temporary injunction from having revenue entries as per the registered gift deed dated 02.01.2024 in respect of suit item No.6 bearing Sy.No.51/6, of Giregowdanahalli village, I.D. Halli Hobli, Madhugiri Taluk 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.2 to 4 and 6.

Returnable by -

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

ORDER ON I.A.No.II

Heard Sri. S.R.R., counsel for plaintiff on I.A.No.II filed under Order XXXIX Rules 1 and 2 of CPC., and perused the materials on record. The plaintiff has filed I.A.No.II seeking an ad interim order of Temporary Injunction restraining defendant No.1 to 4, 7 and 8 and their agents, servants or anybody claiming under them 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 his 1/5th share in respect of the suit schedule properties. The suit schedule properties are the ancestral and joint family properties of himself and defendants and there is no partition between them. The defendants have no exclusive right, title over the suit properties. The defendants behind the back of plaintiff are trying to alienate the suit properties in order to defeat and defraud the right over the suit properties. Therefore, in order to stop the illegal act of the defendants plaintiff has filed this application.

3. The Plaintiff has produced Plaintiff has produced G-Tree, partition deed dated 01.01.1997, RTCs' and gift deeds. Said G-Tree prima facie goes to show the relationship between the plaintiff and defendants. Partition deed dated 01.01.1997 said to have effected between defendant No.1 and his brothers wherein item No.6 of the suit property was allotted to the share of defendant No.1. Recent RTCs' goes to show that all the suit schedule properties are jointly stands in the name

of defendant No.1 and his brothers. As per gift deeds dated 02.01.2024 suit item No.6 to an extent of 0.20 guntas each is gifted by defendant No.1 to defendant No.2 to 4 and 6. As per sale deeds defendant No.3 and 4 have purchased suit properties in favour of defendant No.7 and 8. At this stage, if defendant 1 to 4, 7 and 8 alienates the suit property 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 show that, there is prima-facie case in favour of the plaintiff. Hence, I pass the following;

:ORDER:

The defendant No.1 to 4, 7 and 8 are hereby restrained by an order of temporary injunction from alienating 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.II to the defendant No.1 to 4, 7 and 8.

Returnable by -

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

