

**ORDER**

The plaintiffs filed IA No.I U/Or 39 Rules 1 and 2 R/W Section 151 of CPC to restrain defendant No.1 or any person nominated by him from aliening or mortgaging the suit B schedule property during the pendency of this suit by an order of temporary injunction.

In support of this application, the plaintiff No.2 has sworn to an affidavit stating that the family properties are standing in the name of defendant No.1 and the defendant No.1 already sold his share property and the properties of defendant No.2 to 5 and now he is trying to sell their share property. Out of suit B properties 1/3rd share of his grandfather Purushottama i.e., 0-37-0 extent is also entered in the name of defendant No.1 in revenue records. The defendant No.1 is now trying to alienate the said property on the basis of said entry.

Heard the counsel for plaintiffs and perused the records.

The plaintiffs produced RTC extracts and mutation register extracts. The contention of the plaintiff is that defendant No.2 is trying to alienate the suit schedule property on the basis of mutation entry in his name. If the defendant succeeded in his attempt of alienating the suit schedule property the plaintiffs will be put to irreparable loss which will lead to multiplicity of proceedings. Thereby, the very purpose of filing of this application is defeated. Moreover, if his attempt of alienation is restrained, the right of alienation will only be postponed. Thereby, the property is to be kept intact till the appearance of defendants for the benefit of the both the side. Hence considering the nature of the suit and the facts and circumstances of the case, I proceed to pass the following:

**ORDER**

**The defendant No.1 is hereby restrained from alienating the suit schedule B properties by an order of temporary injunction till next date of hearing.**

**The plaintiffs shall comply the order 39 rule 3(a) of CPC in respect of temporary injunction against the defendant No.1 and submit the affidavit.**

**Issue suit summons to defendants, temporary injunction order and notice of IA No. 1 against defendant NO.1 through RPAD/through court.**

**Call on by 13.02.2023**

**Senior Civil Judge, Ankola**