

KAUK510006172025



**ORDER**

The plaintiff has filed this suit for partition and separate possession along with I.A.No.II under Order 39 Rule 1 and 2 R/w Section 151 of C.P.C praying to grant ex-parte ad-interim temporary injunction against the defendants No.1 to 3 to not to alienate the suit property, pending disposal of this suit, in the interest of justice and equity.

It is stated by the plaintiff that, the plaintiffs and defendants are members of joint family and the original propositus of the family was one deceased Sri. Devaray Redekar and after his death, his legal heirs have got entered their names in the suit property. The defendants no.4 to 10 are the brothers and brothers' children of defendant no.1 and their names have been entered in the property records as joint owners, as such, they are made as parties to the present suit. As there is no understanding between the family members of plaintiff and defendants no.2 and 3, the plaintiff sought for partition and separate possession of suit property but, the defendants no.1 to 3 refused to allot the share of the plaintiff. Hence, the plaintiff has filed this suit along with application.

In order to prove his contentions, the plaintiff produced RTC Extract of land bearing Survey No.26/1 situated at Hunswad Viilage of Haliyal Hobli, Tq: Haliyal for the year 2024-25 and RTC Extract of land bearing Survey No.4/1 situated at Hunswad Viilage of Haliyal Hobli, Tq: Haliyal for the year 2024-25.

On perusal of the plaint averments and documents, the plaintiff has made out triable case. In order to protect the suit property as it is and to avoid multiplicity of proceedings, the defendants no.1 to 3 have to be restrained from alienating the suit property. Therefore, the plaintiff has made out prima-facie grounds to dispense the issuance of notice to the defendants no.1 to 3. Hence, I proceed to pass the following;

**ORDER**

**The defendants no.1 to 3 are hereby restrained from alienating the suit property till next date of hearing.**

**The plaintiff shall comply the order 39 Rule 3(a) of CPC.**

OS NO.58/2025

**Issue suit summons to the defendants and notice on I.A.II along with order to defendants no.1 to 3 after compliance by the plaintiff.**

**Civil Judge & JMFC.,  
Haliyal**