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ORDER

The plaintiffs have filed this suit for partition and separate possession along with I.A.No.1 under Order XXXIX 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.2 to 7 restraining them from alienating and creating any charge over the Item No.1 of the suit property, till disposal of this suit, in the interest of justice and equity.

It is stated by the plaintiff no.1 that, the plaintiffs have filed instant suit against the defendants for the relief of declaration and partition and separate possession of suit properties. The defendant no.2 to 7 are illegally got entered their names in Item No.1 of the suit property and trying to create charge and raise loan. If the defendant no.2 to 7 get loan from any bank or society, the plaintiffs will be suffered. Hence, it is necessary to restrain the defendant no.2 to 7 from creating any charge over the suit property i.e., Item No.1 till final disposal of this suit. If the said I.A is allowed, no hardship or loss will cause to other side. If the said I.A will not allowed, great hardship and loss will cause to them and the very purpose of this suit will be frustrated.

Hence, the plaintiffs have filed this suit along with application.

In order to prove their contentions, the plaintiff produced RTC Extract of Block No.28/1 measuring 12 acres 2 gunthas situated at Gudnapur Village of Haliyal Taluk for the year 2024-25, RTC Extract of Block No.28/3 measuring 2 acres 28 gunthas situated at Gudnapur Village of Haliyal Taluk for the year 2024-25, RTC Extract of Block No.28/1 measuring 12 acres 02 gunthas situated at Gudnapur Village of Haliyal Taluk for the year 2024-25, Death Certificate of Ambubai Krishna Patil, who died on 2.3.2005, Death Certificate of Krishna Demanna Gouda Patil, who died on 15.11.2002, Death Certificate of Narayan Gundu Petnekar, who died on 09.02.2002, Death Certificate of Mohan Krishna Patil, who died on 16.10.2024, Death Certificate of Tukaram Krishna Patil, who died on 31.12.2024, Death Certificate of Suresh Krishna Patil, who died on 20.02.2018, Death Certificate of Laxmibai Govind Teli, who died on 25.07.2016, Death Certificate of Govind Nagesh Teli, who died on 25.11.2013, Aadhaar Cards of plaintiff no.1 to 5 and 9 to 11, 13, 14.

On perusal of the plaint averments and documents, the plaintiffs have made out triable case. In order to protect the rights of plaintiffs over suit Item No.1 and to avoid multiplicity of proceedings, the defendants no.2 to 7 have to be restrained from alienating, creating any charge over suit Item No.1 of the property. Therefore, the plaintiffs have made out prima-facie grounds to dispense the issuance of

notices to the defendant no.2 to 7. Hence, I proceed to pass the following;

ORDER

The defendant no.2 to 7 are hereby restrained from alienating, creating charge over suit Item No.1 of the property till next date of hearing.

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

Issue suit summons to the defendant no.2 to 7 and notice on I.A.I along with order to defendant no.2 to 7 after compliance by the plaintiffs.

Call on

**Civil Judge & JMFC.,
Haliyal**