

**ORDER ON I.A No.III**

The plaintiff filed this suit for the relief of partition and separate possession. The plaintiff has filed I.A. No. III under Order 39 Rule 1 and 2 read with Section 151 of the C.P.C., seeking an order of ex-parte ad-interim Temporary Injunction against defendant No.1 and 2 from selling, gifting, or mortgaging the properties to any financial institution till the disposal of the suit.

Perused the plaint, I.A. filed under Order 39 Rule 1 and 2 read with Section 151 of the C.P.C., the connected affidavit sworn by the plaintiff, and documents placed on record.

Heard counsel for the plaintiff on I.A. No. III. On perusal of the documents, it can be seen that the name of defendant No.1 is entered in the RTCs of the suit schedule properties. Considering the nature of the suit and documents filed along with the plaint, this Court is of the opinion that ordering notice to the opponent would delay the proceedings and result in multiplicity of proceedings. Hence, preserving the said property in the same status is necessary; otherwise, the case of the plaintiff would be frustrated, and if notice is ordered, the very purpose of the I.A. will be defeated and the plaintiff will be put to great

hardship. Hence, this Court proceeds to pass the following:

**ORDER**

Issue order of ex-parte temporary injunction, restraining defendant No.1 and 2 from selling, mortgaging, or gifting the property till the next date of hearing.

Plaintiff to comply with Order 39 Rule 3(a) of CPC. If compliance is reported, issue emergent notice on I.A. No. I and suit summons to the defendants.

Call on 28.06.2025.

Sd/-

**Addl. Civil Judge and JMF.,  
Honnavar**