

ORDERS ON I.A. NO.II

The Plaintiffs have filed this application Under order XXXIX rule 1 and 2 of CPC, against the defendant No. 1, 2, 4 and 6 seeking to restrain them from alienating, encumbering or creating any charge over the suit schedule properties.

Heard, the counsel's arguments on IA No. II and perused the plaint and I.A. No.II and reasons stated in the annexed affidavit.

The application is supported with the affidavit of the plaintiffs duly sworn and in support of the suit the plaintiffs have also produced certain documents.

It is the case of the plaintiffs that, the suit schedule properties are ancestral properties of plaintiffs and defendant No. 1 to 3, such being the case the defendant No.1 without consent of the plaintiffs have sold several properties in favour of defendant No. 4 to 6 and he is further threatening to alienate the suit schedule properties in favour of 3rd parties.

Heard, the counsel's arguments on IA No. II and Perused the plaint averments as well as sworn affidavit of the plaintiff filed in support of I.A.No.II and also the documents produced by the plaintiff.

The suit is for partition and separate possession. In the event, if the defendant No. 1, 2, 4 and 6 is not restrained from alienating or creating charge over the suit schedule properties, the very purpose of the suit would be defeated. If the TI is not granted it will be difficult for the plaintiffs to restrain the defendants. The main object of granting TI is to preserve the subject matter intact till the conclusion of the trial. Hence, I am of the opinion that, at this stage, the plaintiffs appears to have made out prima-facie grounds/ case for grant of Ex-parte ad-

interim order of temporary injunction. Therefore, this court proceeds to pass the following:

ORDER

Issue ad-interim Ex-parte order of Temporary Injunction against the defendant No. 1, 2, 4 and 6 seeking to restrain them from alienating, encumbering or creating any charge, over the suit schedule properties, till filing of the written statement and objection to I.A. No II.

b. The plaintiffs shall comply with the mandate as provided U/o.XXXIX rule 3(a) of CPC.

c. Issue certified copy of the order of T.I. after the compliance of the provisions U/o.XXXIX rule 3 (a) CPC by plaintiff.

It is made clear that, in case the plaintiffs does not comply with the provisions of Order XXXIX Rule 3(a) of CPC, this order shall stand vacated automatically.

Issue summons to defendants and E/Notice on I.A. No II. to defendants if sufficient PF is paid.

Call on: 09-06-2025.

**Civil Judge and JMFC
Siddapur**