

Perused office note regarding no Caveat.

Perused the plaint averments, I.A., affidavit and documents placed on record.

The plaintiffs have filed this present suit for partition and separate possession against the defendant in respect of the suit schedule properties.

The plaintiffs have filed I.A. No.1 order 39 Rule 1 & 2 of CPC seeking exparte ad-interim temporary injunction restraining the defendant no.1 to 3 from alienating the suit schedule properties in favour of the others till pending disposal of the suit.

Plaintiff no.1 sworn to the affidavit stating that, the suit properties are the ancestral and joint family properties and originally belongs to the propositus of the plaintiffs and defendant family namely Vijayamahentesh. The plaintiffs and defendants are in joint possession and cultivation of the suit schedule property. The plaintiffs have legitimate share in the suit schedule properties but the defendants refused to effect partition and to give share to the plaintiffs. The defendants got mutated their names to the suit schedule properties and now making hectic efforts to alienate the suit schedule properties. Therefore, plaintiffs are constrained to file this application and suit.

The plaintiffs further urged that they have made out a prima facie case and hence the balance of convenience lies in their favour. Further, if the application is not allowed, they would be put to great hardship and injury and the very purpose of filing the suit would be frustrated. If temporary injunction not granted it would leads to multiplicity of proceedings. If the application is allowed, no hardship or loss would cause to the other side.

On considering the pleadings, IA, affidavit, and documents placed on record at this stage of the suit, this court is satisfied to say that the plaintiffs have made out a prima facie case against the defendant no.1 to 3.

Hence, in order to safe guard the interest of the plaintiffs and to avoid the multiplicity of the proceedings and also to keep the property intact, it is just and necessary to pass the interim order on I.A. No.1 by dispensing the issuance of notice to the defendant no.1 to 3. Hence, I proceed to pass the following:

:: ORDER ::

The defendant no.1 to 3, their agents, servants or anybody acting on their behalf are hereby restrained by way of Exparte Temporary Injunction from alienating the suit schedule property in favour of others.

Issue Exparte Temporary Injunction order as against the defendant no.1 to 3 after due compliance of order 39 Rule 3 by the Plaintiff.

Issue notice of IA No.1 to defendant no.1 to 3 and suit summons to all the defendants.

Plaintiffs are hereby directed to see that IA notice and suit summons to be served on the defendants within the next date of hearing.

Call on by 01.10.2026.

**C/c. Sr. Civil Judge & JMFC.,
Hungund.**