



1. Heard learned counsel for the plaintiffs on IA No.I.
2. On perusal of the office note there is no caveat is pending pertaining to this suit.
3. Perused the plaint averments, I.A. No.I and its supporting affidavit and suit documents.
4. The plaintiffs have filed the suit for Partition and Separate Possession and Permanent Injunction against the defendants in respect of suit schedule 'B' properties as mentioned in plaint suit schedule properties.
5. The plaintiff No.1 in her annexed affidavit in support of I.A.No.I has contended that, she is the direct legal heir to the son of main ancestor of the family. The suit schedule 'B' properties are derived to them from their ancestor and they are in tenants in common. There is no partition in between plaintiffs and defendants in respect of suit schedule 'B' properties. The plaintiffs are also having 2/9th share in the suit schedule 'B' properties. So, it is necessary to restrain the defendants from alienating the suit schedule 'B' properties bearing Sy.No.411/2 measuring 20 guntas and Sy.No.411/4 measuring 06 guntas situated at

Nidagundi village, Tq: Nidagundi in any manner till the disposal of the case. If the defendants alienate the suit schedule 'B' properties bearing Sy.No.411/2 measuring 20 guntas and Sy.No.411/4 measuring 06 guntas situated at Nidagundi village, Tq: Nidagundi to others it amounts to multiplicity of proceedings and very purpose of filing of this suit will become unfractuous and on contrary no loss would be caused to other side if this I.A is allowed. The rights of plaintiffs involved in the suit schedule 'B' properties bearing Sy.No.411/2 measuring 20 guntas and Sy.No.411/4 measuring 06 guntas situated at Nidagundi village, Tq: Nidagundi. If the defendants succeeded in alienating the suit schedule 'B' properties bearing Sy.No.411/2 measuring 20 guntas and Sy.No.411/4 measuring 06 guntas situated at Nidagundi village, Tq: Nidagundi then the plaintiffs may loose their rights in the suit schedule 'B' properties bearing Sy.No.411/2 measuring 20 guntas and Sy.No.411/4 measuring 06 guntas situated at Nidagundi village, Tq: Nidagundi and also prejudice would be caused to plaintiff. And also there is chances of multiplicity of proceedings.

6. At this stage, I have no grounds to disbelieve the case of the plaintiffs. If the T.I. order is not granted, the very purpose of filing of the suit will becomes unfractuous.

7. Hence, the defendants have to be restrained from alienating the suit schedule 'B' properties bearing Sy.No.411/2 measuring 20 guntas and Sy.No.411/4 measuring 06 guntas situated at Nidagundi village, Tq: Nidagundi. The notice is hereby dispensed with. Hence, I proceed to pass the following:

~:: ORDER ::~

Issue ad-interim exparte temporary injunction against the defendants in respect of suit schedule 'B' properties bearing Sy.No.411/2 measuring 20 guntas and Sy.No.411/4 measuring 06 guntas situated at Nidagundi village, Tq: Nidagundi as sought for in I.A.No.I till appearance of defendants.

Plaintiffs are directed to comply the provisions of CPC U/o 39 Rule 3 of CPC.

Office is directed not to issue certified copy of the order unless compliance is made as required under law.

Issue TI order and notice on I.A.No.I and suit summons to the defendants if PF paid.

Returnable By: 01-10-2021.

**Senior Civil Judge & JMFC,
Basavana Bagewadi.**