

Dated: 28-10-2022

OS No.199/2022

- 1.** Heard learned counsel for the plaintiff on IA No.I.
- 2.** Perused the plaint averments, I.A. No.I and its supporting affidavit and suit documents.
- 3.** The plaintiff has filed the suit for partition and separate possession against the defendants in respect of suit schedule A properties.
- 4.** On perusal of the office note there is no caveat is pending pertaining to this suit.
- 5.** The plaintiff in his annexed affidavit in support of I.A.No.I has contended that, he has filed this suit for partition and separate possession claiming his 1/3rd share in the suit schedule properties. It is further contended that, the suit properties are joint family properties of plaintiff and defendant No.1 and 5. It is further contended that defendant No.7 to 10 are alleged and illegal purchasers of the some of the suit lands. Hence, they have been added as a parties to the suit. Behind the back of plaintiff the defendants created certain documents and now on the

strength on their name appearing in record of right they are intending to alienate the suit properties in favour of others in order to deprive the rights of the plaintiff. The rights of the plaintiff is involved in the suit schedule properties. If the defendant No.3 to 10 succeeded in alienating the suit schedule properties then the plaintiff may lose his rights in the suit schedule properties 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 plaintiff. If the T.I. order is not granted, the very purpose of filing of the suit will become unfruitful.
7. Hence, the defendant No.3 to 10 have to be restrained from alienating the suit schedule properties. The notice is hereby dispensed with. Hence, I proceed to pass the following:

ORDER

Issue ad-interim ex parte
temporary injunction against the
defendant No.3 to 10 in respect of suit

schedule properties as sought for in I.A.No.I till appearance of defendant No.3 to 10.

Plaintiff is 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 T.I. order and notice on I.A.No.I to defendant No.3 to 10 and suit summons to all the defendants if PF paid.

Returnable By: 22-11-2022.

Senior Civil Judge & JMFC,
Basavana Bagewadi.