

**Date: 12.07.2023**

I have heard Sri. G.R advocate for plaintiffs on I.A.No.I and perused the application, affidavit, plaint and the documents produced by the plaintiffs.

Plaintiffs have filed present suit for the relief of Partition and separate possession along with I.A.No.I U/o 39 Rule 1 & 2 of CPC seeking an order of ex-parte ad-interim temporary injunction restraining the defendant from transferring, alienate, transfer and mortgagee over the suit schedule property till disposal of the suit.

On perusal of the records of the case, it appears that, properties standing in the name of defendant. As such plaintiffs have not produced any documents to show that properties ancestral property of the plaintiffs and the defendant. Hence at this stage, this court is of the opinion that before passing any orders on I.A.No.I, notice has to be issue to the defendant as contemplated U/o XXXIX Rule 3 of CPC.

Issue summons and emergent notice on I.A.No.I to the defendant.

Call on: 14.08.2023.

**Addl. Civil Judge & JMFC,  
Yadgiri.**