

KATK510077922023



ORDERS ON I.A. NO.I

The plaintiffs have filed the present suit for the relief of partition and separate possession in respect of the suit schedule properties against the defendants. They have also filed the present application seeking to restrain the defendants from alienating or creating any encumbrance over the suit schedule properties till disposal of the suit.

Heard the counsel for the plaintiffs and perused the documents.

On perusal of the records, it appears that the Suit schedule properties are originally belonged to one Mohiddin. In the sale deed executed by defendant No.2 in favour of defendant No.3, it appears on prima-facie that the suit schedule properties are tenants in joint properties. At the time of the arguments, the learned counsel for the plaintiffs has argued that the defendants are trying to alienate the said properties. Hence, on prima-facie it appears that the plaintiffs

have made out prima-facie case and balance of convenience lies in their favour. Therefore, this court opines that ordering notice to the opponents would delay the proceedings and results in the suit becoming infructuous and if the application is not allowed the plaintiffs will be put to hardship and inconvenience and if ex-parte temporary injunction is not granted the very purpose of the suit will be defeated. Hence, I proceed to pass following;

ORDER

The defendants their agents, servants or anybody acting on behalf of them are hereby restrained from alienating or creating any encumbrance over the suit schedule properties till next date of hearing.

The plaintiffs are hereby directed to comply order 39 Rule 3 of CPC.

Office is hereby directed to issue S/S. Notice on I.A.No.I, order of ex-parte injunction after compliance returnable by 27.10.2023.

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