

Order on I.A.No.II

The IA.No.II has been filed by the Plaintiffs Under Order 39 Rule 1 and 2 R/w Section 151 of CPC praying for grant of exparte temporary injunction restraining the defendants from alienating the suit schedule properties till disposal of the suit.

The perusal of the record reveals that, the present suit has been filed by the plaintiffs against the Defendants for the relief of partition and separate possession. Now it is contention of the plaintiffs that, in order to deprive the right of the plaintiffs over the suit schedule properties, the defendants are trying to alienate the suit schedule properties to the third party. It is further case of the plaintiffs that, if the defendants are not restrained from alienating the suit schedule properties in favour of third party, then the defendants will alienate the suit schedule properties and in that event, the plaintiffs will suffer irreparable loss and injury which cannot be compensated in any mode.

On going through the plaint averments and other material on record, it appears that the plaintiffs are having prima-facie case. If the defendants are not restrained, there are every

chances of alienation of the suit schedule properties by them. In that case, definitely the plaintiffs will face difficulties. Hence, under the circumstances of the case, I am of the opinion that the defendants shall be restrained from alienating the suit schedule properties till next hearing date. Hence, I pass the following:

ORDER

Office to issue Ad-interim exparte temporary injunction restraining the defendants or anybody on their behalf from alienation of the suit schedule properties till next hearing date.

The plaintiffs to comply with the provision of Order 39 Rule 3 of CPC.

Further, office to issue suit summons and notice of IA.No.II to the defendants returnable by 08.01.2025.

PSCJ & CJM, Ballari.