An application for interim injunction in the court of the civil judge, senior division,

Civil Suit No.

Shri S1_____ _ Plaintiff
Versus
Shri F & two others_____ _ Defendants

AN APPLICATION FOR INTERIM INJUNCTION

The plaintiff above named submits this application, praying to state as follows:

1. That the plaintiff has filed the present suit for partition.

2. That it is the case of this plaintiff that the suit property being ancestral it is held by the defendant No. 1 as a Karta of the family consisting of the plaintiff and the defendants.

3. That the plaintiff submits that he demanded partition on……, but the defendant No. 1 refused to do so and in a high-handed manner abused the plaintiff and threatened him that if the plaintiff were to attempt an entry on the suit property, he would be severely beaten up, and since then, the defendants have been obstructing the plaintiff in his enjoyment of the suit property jointly with them.

4. That the plaintiff also submits that it may take a considerable time for the final decision in this suit, and there being no other source of income to this plaintiff save and except the suit property, the family of the plaintiff would be subjected to suffer severe hardships, and hence, this application.

5. That the plaintiff is sanguine about the success of this suit in his favour.

6. That the plaintiff, therefore, prays that during the pendency of this suit, an ad interim injunction restraining the defendants from obstructing the plaintiff in his enjoyment of the suit property be kindly issued against the defendants.

7. That an affidavit in support hereof is filed herewith.

Mumbai, Sd/- SI
PLAINTIFF

Dated ____ ..

Sd/- xXx ADVOCATE FOR PLAINTIFF

AFFIDAVIT

I, Shri S1, the present plaintiff, do hereby state on solemn affirmation as follows:

1. That the property described in para 2 of the plaint originally belonged to GF, who died in June 200_, and on his death, the suit property came to be devolved upon the family of the plaintiff and the defendants, and since then, the defendant No. 1 has been managing the suit property as a Karta of the joint family.

2. That since last one and a half years, the relationship between the plaintiff's wife and the defendant No. 2 is so strained that there have been frequent quarrels, and it has finally become necessary for the plaintiff to live apart.

3. That the plaintiff accordingly called upon the defendant No. 1, on_____, to effect partition, but he refused to do so.

4. That the plaintiff submits that the defendants have been obstructing this plaintiff in his enjoyment of the suit property along with them, and this plaintiff has no other source of income except and save the suit property.

5. That the plaintiff, therefore, served upon the defendants a notice, dated calling upon them to effect partition, but the defendant No. 1, once again, refused to do so, and hence, this suit.

6. That the plaintiff and the defendants are governed by the Mitakshara School of Hindu Law, and accordingly, the plaintiff is entitled to one-fourth share in the suit property.

WHATEVER stated above is true and correct to the best of my knowledge and belief, and so I have signed hereunder at Mumbai this day of 200_

Sd/- SI PLAINTIFF