

ORDER BELOW EXHIBIT NO.05

1.This order shall dispose of the application filed by the plaintiffs Under Order XXXIX Rule 1 and 2 for granting of interim injunction against the defendants for restraining the defendant no. 01 to 04 from causing any change in the revenue records of the agriculture land situated at Village – Kathwad, Taluka – Talod, Dist. – Sabarkantha bearing Account No. 304, Block/Survey No. 300 admeasuring 1-54-45 Hec. Are. Sq. Mtrs., paiki land admeasuring 0-27-32, aakar Rs. 3.60, land of old tenure (hereinafter referred to as suit property) and also restraining the defendant no. 01 to 04 from selling, mortgaging, gifting or transferring or creating charge over the suit property and restraining the defendant no. 01 to 04 from doing any act which may infringe the rights received by the plaintiff by virtue of registered agreement to sell till the final disposal of the suit.

2. After the institution of suit, summons and notices were issued upon the defendants but the defendants did not appear, either personally or through advocate before the Court. Resultantly, the Court ordered to proceed ex-parte in this suit.

3. The learned advocate for the plaintiff submitted that the defendant no. 01 to 04 were and are the independent owner and possessor of the suit property. That the defendants wanted to sell the suit property therefore they contacted the plaintiffs and the plaintiff agreed to purchase the suit property. On 22/01/2024 the defendant no. 01 to 04 executed a registered agreement to sell, bearing no. 223/2024, the suit property to the plaintiffs with a consideration of Rs. 2, 20, 000/-. It is the say of the plaintiffs that they have Rs. One lakh to the defendant no. 01 & 02 and another Rs. One lakh to the defendant no. 03 & 04 and the rest of the consideration amount i.e. Rs. 20, 000/- was agreed to be paid when the

defendant no. 01 to 04 gets the title clearance of the suit property. However, the defendant no. 01 to 04 could not get title clearance certificate as agreed and when the plaintiffs asked the defendants to perform their part of the contract the defendant no. 01 to 04 got instigated and denied to perform their part of the contract and threatened to sell the suit property to third party. Therefore, the plaintiff was constrained to file the suit along with this application. Hence, the plaintiffs have requested that the present application for interim injunction may please be allowed and to support their claim the plaintiffs have relied upon the documents submitted vide mark – 03/1 to 03/8.

4.I have perused the documentary evidence produced on record by the plaintiff vide exhibit – 03.

5.Now taking into consideration the documents submitted by the plaintiff vide mark – 03/1 and 03/2 (Village form no. 7 & 8a), it appears that the suit property is running in the name of

defendant no. 01 to 04 and other people. Mark – 03/3 is the copy of registered agreement to sell, which on perusing shows that the defendant no. 01 to 04 agreed to sell the suit property to the plaintiffs with a consideration of Rs. 2, 20, 000/-. Mark – 03/4 & 03/5 suggests that the plaintiffs have paid Rs. 1, 00, 000/- to the defendant no. 01 to 04 through four cheques. Taking into consideration the arguments advanced and documents submitted by the plaintiffs, it transpires that the plaintiffs have a prima facie case and that balance of convenience also lies in his favor. Also, the defendants did not paid any heed to this case even after service of summons and notices. The Court is of the view that if the defendants' sale or transfer the suit property during the pendency of this suit, then it would result in irreparable loss to the plaintiffs and it would invite multiplicity of proceeding.

6. The Court is of the considered view that the plaintiffs have successfully established all the

essential ingredients of the Order XXXIX Rule 1 and 2 that is to say the plaintiff has established prima facie case, balance of convenience lies in his favor and that he would suffer irreparable loss if the present application is not granted.

7. In the light of discussion made above I pass the following final order:

ORDER

1. The application is allowed.
2. The defendant no. 01 to 04 are hereby restrained from causing any change in the revenue records of the suit property till the final disposal of the suit.
3. The defendant no. 01 to 04 are also restrained from selling, mortgaging, gifting or transferring or creating charge over the suit property and restraining the defendant no. 01 to 04 from doing any act which may

infringe the rights received by the plaintiff
by virtue of registered agreement to sell
till the final disposal of the suit.

4.No order as to cost.

Signed and Pronounced in this open court on this 19th
day of December 2025.

Date: 19/12/2025

(Sunil Chaudhary)

Place: Talod

Judge Code: GJ01378