

KABG040002822022



ORDERS

Heard on application filed under Order 39 Rule 1 and 2 R/w. Section 151 of CPC. I have perused the application and materials available on record. Plaintiff has filed this suit for the relief of specific performance of contract against the defendants. Further, it is the case of the plaintiff that defendant No. 1 had agreed to sell the suit property in his favour and had received entire sale consideration of Rs.75,000/- and executed a document styled as Deed of Sale dated 01.04.2019 and without his knowledge, the defendant No.1 has sold her property in CTS No.1444/3 including suit property in favour of defendant No.2. Now the defendant No.2 colluding with defendant No.1 is trying to alienate the suit property in favour of 3rd parties. Plaintiff has produced copy of property register extract pertaining to CTS No. 1444/3, copy of property register extract pertaining to CTS No. 1444/4, copy of property register extract pertaining to CTS No. 1444/5, copy of alleged deed of sale dated 01.04.2019, sale deed dated 01.12.2020, copy of consent affidavit dated 01.04.2019, copy of FIR, office copy of notice, reply notices, copy of passbook of plaintiff to show the passing of consideration to the defendant No.1 and other documents. I am satisfied that it is the plaintiff who will be put to loss and injury if the ex-parte temporary injunction order is denied as he has contended in the application that defendants are trying to create charge by selling the suit schedule property. If the ex-parte order is denied the purpose of filing the application becomes futile.

Hence, defendants are hereby restrained from alienating the suit schedule property in favour of third parties in any manner till the next date of hearing.

The plaintiff shall comply under order 39 Rule 3 of CPC.

Issue emergent notice on IA No. I and suit summons to defendants.

Call on: **18.02.2022**

Sd/-

**II Addl. Civil Judge & JMFC.,
Belagavi.**