

ORDER ON IA No.I

I.A.No.I is filed along with affidavit and documents. On perusal of the check slip there is no caveat filed in this case. The suit is for relief of Specific performance of contract.

IA. No.I is filed U/o. XXXIX Rules 1 & 2 R/w 151 of CPC., for the relief of T.I. against the defendant or anybody acting on her behalf be restrained from alienating the suit property in any manner till the disposal of this suit.

I have carefully perused the available materials on record and also I have heard the Id. Counsel for the plaintiff.

It is pleaded that, the defendant is the owner of the suit property in order to meet out financial necessities of the family defendant intend to sell the suit property and plaintiff is ready to purchase the property for Rs.6,00,000/- and defendant is agreed to sell the suit property. The plaintiff has paid Rs.3,72,000/- as advance sale consideration amount to defendant in presence of elders and the same is registered at Sub-Registrar of Kittur on

28.09.2020 and remaining Rs.2,28,000/- is to be paid at the time of Registration of Registered sale deed (within 04 years). This being the fact the defendant is intending to alienate the suit property to others.

The plaintiff has filed ಸಂಚಗಾರ ಪತ್ರ, RTC, legal notice, etc.,.

On careful consideration of the pleadings and documents produced, this Court is of the opinion that the plaintiff has made out a prima facie case. If the defendant is permitted to alienate the suit schedule property during pendency of the suit, it may result in multiplicity of proceedings and create third party rights, thereby causing irreparable injury to the plaintiff. The balance of convenience also lies in favour of the plaintiff.

This Court is conscious that, granting of injunction after issuing notice to the other side is a rule and granting of injunction without issuing the notice is an exception, however in the present case on hand, I am of the considered opinion that if at all if the exparte temporary injunction is not granted, the purpose of granting injunction may be defeated by delay and if the defendants succeed in

alienating the suit property, as aforementioned it will cause hardship not only to the plaintiff but also to the subsequent purchasers which will certainly lead to complexity of litigation. Upon perusal of the case papers, I am of the opinion that the plaintiff has made out the prima facie case, therefore I proceed to pass the following;

ORDER

The defendant or anybody acting on her behalf are hereby restrained from alienating the suit property in any manner till next date of hearing.

Since ex parte injunction is granted, the plaintiff shall comply the following conditions as per Order XXXIX Rule 3 (a) of CPC, they are

1)The plaintiff shall send

a) The copy of the interlocutory application along with affidavit.

b) The copy of the plaint.

c) The copies of the documents on which the plaintiff had relied to get this injunction.

To the concerned defendants by way of registered post.

2) The plaintiff shall file an affidavit to the office regarding the compliance of the same on this very same day or on the day immediately following this day.

Needless to say, non compliance of any of the aforesaid conditions, the exparte injunction granted will be vacated.

Issue suit summons, TI order and notice on IA No.I to the defendant if the PF and necessary copies are furnished and if aforementioned conditions are complied.

Call on 06.06.2026

08.04.2026

Civil Judge & JMFC., Kittur