

O.S. No. 77/2022

20-01-2022

Heard on I.A.No. 1. Perused the original documents and they are given back to the plaintiff's counsel to produce them at the time of evidence.

The plaintiff has filed the I.A.No. 1 by seeking to restrain the defendants No.1 and 2 from alienating the plaint schedule property by way of ex-parte temporary injunction order.

The plaintiffs case is that, he has entered into sale agreement with the defendant No.1 in respect of plaint schedule property and it was agreed between them that, after three months from obtaining revenue records by the defendant, the defendant No.1 has to execute regular sale deed by receiving balance sale consideration.

Now, the defendant No.1 has executed registered sale agreement in favour of defendant No.3 after obtaining revenue records in her favour. The plaintiff has advanced the sale consideration of Rs.6,50,000/- and in the event if the defendant No.1 and 2 have alienated the property, then it will be very difficult for the plaintiff to get any relieves and therefore, he seeks ex-parte temporary injunction order.

The plaintiff has paid the duty and penalty on the unregistered sale agreement and therefore, by considering the affidavit of plaintiff to the I.A.No. 1 and his documents, the Court opines that, an order of injunction is necessary to protect the property from alienation. Therefore, the Court proceeds to pass the following;

ORDER

I.A.No. 1 is allowed.

The defendant No.1 and 2 are restrained from alienating the plaint schedule property by way of ex-parte temporary injunction order till next date of hearing.

The plaintiff shall comply the Order 39 Rule 3 of C.P.C. provisions.

He shall issue summons to the defendants by furnishing plaint, I.A. copies and all the documents. Office to issue certified copy of the order only after compliance.

If the plaintiff did not comply the above order in letter and spirit, the temporary injunction order shall not be continued on the next date of hearing.

Issue suit summons, I.A. notice and injunction order against the defendants No.1 to 3.

Returnable by: 25-02-2022.

**Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**