

Case called out.

Plaintiffs are absent.

Heard the arguments advanced
by the learned counsel for the
plaintiffs on IA No.1.

ORDER

The plaintiffs have filed the IA No.I under Order XXXIX, Rule 1 and 2 of Civil Procedure Code, 1908 praying for grant of ad-interim temporary injunction for restraining the defendant from creating third party rights by way of alienation or creating any type of charges or encumbrance over the suit properties during pendency of the suit.

Perused the applications, affidavits filed in support of applications, plaint averments and documents placed on record.

On combined reading of the application, affidavit filed in support of application, plaint averments and documents placed on record prima facie shows that the defendant being the owner of the suit land agreed to sell it for total Sale Consideration of Rs.32,00,000/- and executed the registered Agreement of Sale dated 11-12-2023 by receiving advance amount of Rs.30,00,000/- as part sale consideration. They also shows that the plaintiffs are ever ready and willing to perform their part of the contract but the defendant has failed and refused to perform his part of the contract. Katha of the suit properties are standing in the name of vendor of defendant. By looking to the fact and circumstances of the case, it appears to me that the defendant may alienate the suit property or create any type of encumbrance or charges over same by taking undue advantage of vendor of defendant's name in the property extract and in that event it multiplies the proceedings and it will cause hardship and inconvenience to the plaintiffs. Hence at this state I am of the opinion that, the apprehension of the plaintiffs are well founded and in order to avoid the multiplicity of the litigation, passing of ex-parte temporary injunction is the need of the situation. Hence, I proceed to pass the following:

ORDER

The defendant is hereby restrained from creating third party rights over the suit properties in any manner by way of alienation or

creation of any type of charges by way of ad-interim exparte temporary injunction.

This order will be in force till filing of objection to IA No.I by the defendant.

The plaintiffs are directed to comply mandatory provision of Order XXXIX, Rule 3 (a) and (b) of Civil Procedure Code, 1908.

Issue this ex-parte order of temporary injunction if mandatory provision is complied.

Issue suit summons and notice on IA No.I to defendant.

Returnable by: 29-04-2025

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