

Case called out.

Plaintiff is absent.

Counsel for the plaintiff filed Memo with current RTC of suit property and it is standing in the name of defendants.

Heard the arguments advanced by the learned counsel for the plaintiff on IA No.I.

ORDER

The plaintiff has 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 defendants from creating third party rights by way of alienation or any type of charges or encumbrance over the suit land during pendency of the suit.

Perused the application, affidavit filed in support of application, 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 defendants have agreed to sell the suit land it for total Sale Consideration of Rs.5,00,00,000/- and executed the registered Agreement of Sale on 11-08-2023 by receiving Rs.4,00,00,000/- as advance. They also shows that the plaintiff company is ever ready and wiling to perform its part of the contract but the defendants have failed to perform their part of the contract. Katha of the suit land is standing in the name of defendants. By looking to the fact and circumstances of the case, it appears to me that the defendants may alienate or further alienate the suit property or they may create any type of encumbrance or charges over same by taking undue advantage of their names in the revenue records and in that event it multiplies the proceedings and it will cause hardship and inconvenience to the plaintiff. Hence at this state I am of the opinion that, the apprehension of the plaintiff is 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 defendants are hereby restrained from creating third party rights over the suit land in any manner by way of alienation or creation of any type of charges during pendency of the suit by way of ad-interim exparte temporary injunction.

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

The plaintiff is 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 defendants.

Returnable by: 12-06-2025

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