

04.07.2025

The plaintiff has filed the present suit for the relief of Declaration & Injunction.

Along with the plaint, the plaintiff has submitted IA No.1 & 2 under Order 39 Rule 1 & 2 read with Section 151 of CPC seeking to restrain the defendant No.2 from alienating the suit schedule property and from interfering with the possession of the plaintiff over the same till disposal of suit.

Heard.

The plaintiff has produced the Order of the Assistant Commissioner dated 22-08-2022, wherein the earlier Agreement of Sale dated 19-04-2007 and GPA dated 22-08-2008 have been canceled and in spite of the same, it appears that the defendant No.2 got executed the Registered Sale Deed dated 16-06-2025 on the basis of the GPA dated 22-08-2008. On going through the plaint and the documents on record, there is reasonable apprehension of suit schedule property being sold in favour of third person. There is also reasonable apprehension of interference by the defendant No.2 in the possession of the plaintiff. If the Temporary Injunction is not granted as sought in IA No.1 & 2 at this stage, there is possibility of rights of plaintiff being curtailed. In order to avoid multiplicity of proceedings it is necessary to pass restraining order in respect of IA No.1 & 2. In view of this I proceed to pass the following:

ORDER

The defendant No.2 is restrained by way of ex-parte ad-interim temporary injunction from alienating the suit property to the third parties and also from interfering in the possession of the plaintiff over the suit property till next date of hearing.

The plaintiff shall comply order 39 Rule 3 A of CPC in respect of IA No.1 & 2.

OS NO.777/2025

Issue suit summons to defendants along with interim order passed on IA No.1 & 2 to defendant No. 2, if PF paid.

R/by : 18-09-2025

**Prl. Senior Civil Judge & JMFC.,
Devanahalli.**