

O.S.NO.488/2022

16-04-2022

Pltfs. - P.V.R.

D1 to D4 -

■ For Orders

16-04-2022

The I.A. No.1 is filed by plaintiffs under order 39 Rule 1 and 2 of C.P.C. seeking to restrain the defendants and their agents or any body acting under them from alienating the suit property to the 3rd parties during pendency of suit. According to them, the defendants have executed Agreement of Sale on 05-08-2019 agreeing to convey the suit property for valuable Sale Consideration of Rs.90,00,000/-. They received an amount of Rs.40,00,000/- as advance Sale Consideration. They failed to convey the property as agreed by them. Hence they approached this court.

The plaintiffs shown apprehension of alienation of property by the defendants. Hence they filed I.A.No.1 under order 39 Rule 1 & 2 of C.P.C seeking to restrain the defendants and their agents or anybody acting under them from alienating the suit property.

O.S.NO.488/2022

Perused the plaint averments and annexed documents such as Copy of Agreement of Sale, copies of Sale Deed, Record of Right, Mutation and copies of exchange of notices. The counsel for plaintiff produced the original Agreement of Sale while addressing arguments on I.A. The plaint averments and annexed documents indicate prima-facie case in favour of Plaintiff at this stage. Hence in order to protect the interest of both the parties over suit property, I proceed to pass the following :

ORDER

The defendants and their agents or anybody acting under them are hereby temporarily restrained from alienating the suit property to the 3rd parties till next of date hearing.

The plaintiffs shall comply order 39 Rule 3 A of C.P.C. Issue suit summons to defendants through R.P.A.D. and through court along with interim order passed on I.A. No.1 against defendant.

The Plaintiffs shall pay sufficient process fee and registered postal cover and acknowledgment. If he failed to pay the proper process fee, the office is directed to post this case immediately before the court so as to pass appropriate order in vacating the interim order. The original Agreement of Sale is returned back to the counsel for plaintiff.

Call on : 16-07-2022.

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

