

Case called out.

Plaintiff is absent.

Counsel for the plaintiff produced original Agreement of Sale.

Compared the originals with copies.

Copies are in consonance with originals.

Hence, originals are returned to counsel for the plaintiff with a direction to produce them at the appropriate stage.

Counsel for the plaintiff filed Memo with revenue records and also filed Memo with photographs in sets.

Heard the arguments advanced by the learned counsel for the plaintiff on IA No.1 & 2.

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 defendants from causing obstruction or interfering with the plaintiffs possession over the suit schedule properties during pendency of the suit.

The plaintiffs have filed the IA No.II 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 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 applications, affidavits filed in support of applications, plaint averments and documents placed on record prima facie shows that the defendants No.1 & 2 being the owners of the suit

lands agreed to sell them for total Sale Consideration of Rs.6,80,00,000/- and Rs.2,42,25,000/- and executed the registered Agreements of Sale dated 12-06-2024 and entire sale consideration has been paid. It also appears that possession of the suit lands has been delivered by defendants No.1 & 2 in favour of plaintiffs. They also shows that the plaintiffs are ever ready and wiling to perform their part of the contract but the defendants No.1 & 2 have failed and refused to perform their part of the contract. It also appears that defendant No.3 may falsely claiming that he is the owner and possessor of the suit property. By looking to the fact and circumstances of the case, it appears to me that the defendants may alienate the suit lands or create any type of encumbrance or charges over same and they may caused obstruction and interfere with the possession of the plaintiffs by taking undue advantage of katha standing in the name of Venktaramana S/o Late Jayaram Modali @ Jayaram Reddy stated to be the father of defendant No.1 and grandfather of defendant No.2 and he is nowhere related to defendant No.3 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 defendants are 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 during pendency of the suit by way of ad-interim exparte temporary injunction.

Both parties are also directed to maintain status of the suit properties as it is still further orders as appearing in the photographs placed on record today.

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

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.

OS No.6/2025

Issue suit summons and notice on IA No.I & II to defendants.

Returnable by: 28-03-2025

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