

09-07-2021

The plaintiffs have filed the above suit for the relief of specific performance of contract in respect of Sy.No. 7, 7/1 new Sy.No. 7/3 measuring 23.8G of Rayasandra Village. The said property is referred as plaint schedule property in this order.

The plaintiffs have filed I.A. No. I seeking to restrain the defendants from alienating the plaint schedule property in favour of 3rd parties by way of ex-parte temporary injunction order.

In support of the I.A. No. I, the plaintiff No.1 has filed his affidavit and plaintiffs have produced R.T.C. extract, Xerox copies of registered sale agreement, supplementary sale agreement, legal notices, reply notices, postal receipts and postal acknowledgements. The originals of these documents produced by the plaintiffs counsel are perused by the Court and returned back to the plaintiffs counsel by

directing him to produce them at the time of evidence. It is the case of the plaintiffs that, plaintiffs and defendants have entered into a registered sale agreement and except Rs.4,10,000/- of the agreed sale consideration amount the plaintiffs have paid the maximum of the remaining sale consideration. The defendants, being the owners and khathedars of the plaint schedule property, are dodging the execution of sale deed on one or other pretexts. The defendants are giving evasive reply to the legal notices sent by the plaintiffs and the plaintiffs have learnt that, the defendants are making arrangements to alienate the property in favour of 3rd parties. If the defendants are allowed to sell the property in favour of 3rd parties, the plaintiffs could not get the relief of specific performance and it will be very difficult for them to recover the advance amount paid by them. For these reasons, the plaintiffs pray for allowing their I.A. No. I.

Heard the counsel for the plaintiffs on I.A. No. I and perused the affidavit of plaintiff No.1 and the documents produced by him. By placing reliance on the sworn affidavit of the plaintiff No.1 and his documents and by believing the contents of the same as true, the Court opines that, the plaintiffs have made out a case to issue ex-parte temporary

injunction order. With that observation, the Court proceeds to pass the following;

ORDER

The I.A. No. I is allowed.

The defendants are restrained from alienating the plaint schedule property in favour of 3rd parties by way of ex-parte temporary injunction order till next date of hearing.

The plaintiffs shall comply the provisions of Order 39 Rule 3 of C.P.C.

Issue certified copy of this order to the plaintiffs only after compliance.

Issue suit summons, I.A. notice and T.I. order to the defendants.

Returnable by: **13-08-2021.**

(Dictated to the Typist in the open Court, typed by her and corrected by me and pronounced after correction in the open Court)

**Pri. Senior Civil Judge and JMFC,
Devanahalli.**