

*Case called out.*

*Plaintiff is absent.*

*Counsel for the plaintiff produced Memo with original documents.*

*Original documents compared with the copy is produced along with the plaint.*

*The copies are in consonance with the original documents.*

*Hence, originals have been returned to counsel for the plaintiff in order to avoid misplacement of the original documents as the Agreement of Sale is unregistered one.*

*Heard the arguments advanced by the counsel for the plaintiff on IA No.1 relating to passing of ad-interim exparte Temporary Injunction Order.*

**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 creating 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 executed Agreement of Sale on 25-10-2015 in favour of plaintiff relating to suit property by agreeing to sell it for total Sale Consideration of Rs.12,00,000/-. It also appears that the defendants have received substantial advance amount of Rs.11,50,000/-. It also appears that the plaintiff is ready and willing to perform his part of the contract. But the defendants have failed to perform their part of the contract as per the terms and conditions of Agreement of Sale. The suit property was fallen to the shares of defendants in the unregistered partition. 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 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: 18-07-2025***

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