

22-07-2024

The counsel for plaintiff filed a memo along with original agreement of sale dated 25-06-2014 and prayed to keep the same in the safe custody. Another memo filed with calculating memo for deficit stamp duty and penalty payable on the unregistered agreement of sale. As per memo, the plaintiff has calculated the deficit stamp duty and penalty and offered to pay an amount of Rs.58,390/- as per law. Hence, the unregistered agreement of sale dated 25-06-2014 is hereby impounded and office is permitted to collect the deficit stamp duty and penalty as per the memo filed by the plaintiff and to make necessary arrangement for endorsement on the original agreement of sale dated 34-06-2014 as per law. Office is also directed to keep the original agreement of sale in the safe custody after compliance of the same.

The plaintiff has filed the present suit for the relief of specific performance of contract.

Along with the plaint, the plaintiff has submitted I.A.No.1 under Order 39 Rule 1 & 2 R/w Sec.151 of C.P.C. seeking to restrain the defendants from alienating the suit schedule property till disposal of suit.

Heard.

The suit document is an unregistered agreement of sale and substantial sale consideration has been paid to the defendants. The plaintiff offered to pay the deficit stamp duty and penalty on the instrument. On going through the plaint and the documents on record, there is reasonable apprehension of

suit schedule property being sold in favour of 3rd person. If the temporary injunction is not granted 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 I.A. No.1. In view of this I proceed to pass the following :

ORDER

The defendants are restrained by way of ex-parte ad-interim temporary injunction from alienating the suit property to the 3rd parties till next date of hearing.

The plaintiff shall comply order 39 Rule 3 A of C.P.C. in respect of I.A. No.1.

Issue suit summons to defendants through R.P.A.D. and through Court along with interim order passed on I.A. No.1, if P.F. paid.

R/by : 02-09-2024

Sd/-

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