

O.S. No.1058/2022

13-09-2022

Plaintiff is present.

Heard on I.A.No. 1. Perused the documents. The original sale agreement is returned back to the plaintiff's counsel with a direction to produce it at the time of evidence.

The plaintiff has filed the above suit for Specific performance of contract in respect of agreement dated 20-10-2014.

It is the apprehension of the plaintiff that, he has paid advance sale consideration of Rs.95 lakhs out of 1 Crore 5 lakhs and he is in due only for a sum of Rs.10 lakhs and the defendants have agreed to furnish documents necessary for registration and thereafter, the defendants did not come forward to execute the sale deed. Now the defendants are making

arrangements for alienating the property to defeat the plaintiff's rights.

The Court has directed the plaintiff to deposit the balance sale consideration of Rs.10 lakhs for which the plaintiff has asked for 15 days time.

Therefore, by believing the contents of documents and affidavit of plaintiff as true and subject to deposit of balance sale consideration of Rs.10 lakhs within 15 days from today, the Court pass the following:

ORDER

I.A.No. 1 is allowed.

The defendants are restrained from alienating the plaint schedule property by way of ex-parte temporary injunction order for a period of one month from today.

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

Office to issue certified copy of this Order only after plaintiff shows compliance report by sending plaint, I.A. and documents copies by R.P.A.D.

He shall issue summons to the defendants by furnishing plaint, I.A. copies and all the documents.

If the plaintiff did not comply the above order in letter and spirit, the temporary injunction order shall not be continued on the next date of hearing.

The above order will not be extended if the plaintiff did not deposit the balance sale consideration amount within 15 days.

Issue suit summons and I.A. notice along with injunction order against the defendants.

Returnable by: 13-10-2022.

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