

**ORDER ON IA NO. I**

This is a suit for Specific Performance of agreement dated 07.08.2020.

IA.I filed U/o. 39 Rule 1 & 2 R/w Sec.151 of CPC for grant of ad-interim injunction order restraining the defendants, their agents, representatives, Power of attorney holders or anybody acting on their behalf from alienating, transferring or encumbering the property bearing Old Sy.No.1/1 and New Sy.No.1/46, having a total extent of 0.15  $\frac{1}{2}$  guntas, out of which an extent of 0. $\frac{3}{4}$  guntas, situated at Vagata Village,

Jadigenahalli Hobli, Hosakote Taluk, Bangalore Rural District bounded East- Property belongs to Bhagya M. W/o Ramesh; West: Property belong to Narayanaswamy; North: Road and South; Private property.(Hereinafter referred to as **“Plaint Schedule Property”**, for brevity) till disposal of the suit.

Perused IA No.I, affidavit annexed to the applications and documents such as copy of registered sale agreement dated 07.08.2020; copy of encumbrance certificate; copy of registered GPA dated 06.08.2020; copy of RTC extracts; copy of Mutation registered extracts; copy of Legal Notice dated 09.01.2026; copy of postal receipts; copy of online tracking report; copy of Postal Return cover. It appears that, the husband of the defendant No.1 and father of the defendant No.2 to 4 namely late V. C. Shivaguru entered into registered agreement of sale with the plaintiff agreeing to sell the plaint schedule property on 07.08.2020. It is the specific contention of the plaintiff that the said V. C. Shivaguru died leaving behind the defendants as his legal heirs and now, the defendants, without performing their obligations under the registered agreement of sale are trying to alienating, transferring or encumbering the plaint schedule property. In view of above claim, I am of the

opinion that, the plaintiff has got triable case at this stage. If an injunction is not granted before issuing notice, the defendants may alienating, transferring or encumbering the schedule property. In such circumstances, the plaintiff will be put to irreparable loss and hardship and object of granting ad-interim temporary injunction will be defeated by delay and to preserve the plaint schedule property intact and to avoid further complication and multiplicity of proceedings, notice is dispensed for the time being and I proceed to pass the following:

**ORDER**

Consequently, ex-parte ad-interim temporary injunction is granted against the defendants restraining them from alienating or creating any charge over the plaint schedule property till next date of hearing.

Issue ad-interim ex-parte temporary injunction order to the defendants after complying the provision of Order 39 Rule-3 of C.P.C.

Issue suit summons to the defendants and emergent notice on IA No.1 to the defendants.

Returnable by:

**Prl. Civil Judge & JMFC.,  
Hosakote.**