

Counsel for plaintiff files application under order XXXII Rule 3 of CPC and IA No.II. For order on ex parte hearing on IA No.I.

Plaintiff has filed the suit for Specific Performance of Contract. The plaintiff has filed I.A.No.I U/O.39 Rules-1 and 2 R/w. Sec.151 of the C.P.C. for restraining the Defendants from alienating the suit property and creating encumbrance with respect to suit property. In support of application, the plaintiff filed sworn affidavit and produced some documents with plaint.

On perusal of records viz., Xerox copy of registered agreement of sale, encumbrance certificate, tax paid extracts, office copy of legal notice, copy of complaint etc. the defendant No.3 to 5 are minors. Hence, at this stage without expressing any opinion on the merits of the case, the court is of the opinion that, the plaintiff has made out prima facie case for grant of ex-parte injunction against the defendants No.1 and 2 and the circumstances of the case show that, if notice is issued, the delay which occurs

in serving the notice upon the defendants, would defeat the very purpose of the suit and leads to multiplicity of proceedings, at this stage, hence the ex-parte injunction can be granted. Hence, at this stage court is of the opinion that it is a fit case to restrain the Defendants from alienating the suit property till next date of hearing. Hence, court proceeds to pass the following:

ORDER

The defendant No.1 and 2 and their agents, servants or anybody acting on their behalf are hereby restrained from alienating the suit property in any manner till the next date of hearing.

Plaintiffs are hereby directed to comply with the provision of O.39 Rule-3A of the C.P.C.

Office is hereby directed to issue temporary injunction order after plaintiffs comply with the provision O.39 Rule-3A of the C.P.C. and issue notice on I.A.No.I to Defendants along with suit summons and issue notice on IA No.II to defendant No.1.

Returnable by 27.06.2022.

Addl. Civil Judge & JMFC., Hosakote.