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The suit of the plaintiff is one for the relief of specific performance of contract. I.A.No.III is filed under Order 39 Rule 1 & 2 R/W Sec.151 of CPC seeking *ex-parte* restraint orders against the defendants from alienating or disposing the suit/application schedule property to anybody in any manner or from creating encumbrance over the same.

2. Heard arguments. Perused records.

3. It is the case of the plaintiff that the defendants had executed a registered agreement in his favour on 27-07-2023 agreeing to sell the suit/application schedule property to him for a consideration amount of Rs.21 lakhs. Further the plaintiff has contended that the defendants have received advance sale consideration amount of Rs.20 lakhs from him. The plaintiff in his affidavit filed in support of IA No.1 has sworn to these facts. If the defendants were to alienate the suit/application schedule property to any third party, the very purpose of the filing of suit will be frustrated and the same will lead to multiplicity of proceeds. The plaintiff has made out *prima facie* case and the balance of convenience lies in her favour. It is also pertinent to note here that the defendants Nos.3 and 6 are minors and IA Nos.1 and 2 filed by the plaintiff under Order 32 Rule 5 R/W Sec.151

of CPC are pending. In the light of foregoing discussions, this court proceeds to pass the following:

ORDER

Pending disposal of I.A.No.III the defendants Nos.1, 2, 4, 5 and 7 are hereby restrained from alienating or encumbering the suit/application schedule property to anybody in any manner, till filing of their written statement & objection to I.A.Nos.I to III.

The plaintiff shall comply with Order 39 Rule 3 (a) & (b) of C.P.C

Issue emergent notice on I.A.No.I, suit summons and ex-parte orders on IA No.1 to the defendants by way of RPAD returnable by 09-09-2025

Senior Civil Judge & JMFC,
Challakere