

OS 21/16

I have heard and perused the plaint averments, IA No. 1 annexed affidavit and other materials available on record.

On perusal of the materials on record it prima-facie appears that the plaintiff has got a case to go for trial. This is a suit filed by the plaintiff against the defendants for specific performance of contract. It is the allegation of the plaintiff that the defendants are trying to alienate the suit schedule property. The documents ie., agreement and notice establishes that the plaintiff has made a case to go for trial. If the defendants are succeeded in alienating the property, the plaintiff may suffered a lot and injustice is caused to him. So, in the circumstances it is just that the notice on IA No. 1 has to be dispensed with. Otherwise, the purpose of filing suit may not serve for the plaintiff. As such the plaintiff is entitle for exparte temporary injunction order. Hence, I proceed to pass the following –

ORDER

Issue exparte temporary injunction order against the defendants and their agents. They are hereby

restrained from alienating the suit schedule property till filing of written statement.

The plaintiff to comply Order 39 R.3(a) of CPC with compliance.

Issue TI and notice on IA No. 1 and suit summons to defendants by 27.02.2016.

Addl. CJ. & JMFC, Kollegal.