

Order on IA No.1 & 2/2024
filed U/Or. 39 Rule 1 and 2 R/w Sec.151 of CPC.

The Plaintiff has filed the above applications seeking ad-interim ex-parte temporary injunction restraining the Defendants, their agents, henchmen, representatives etc., from interfering with his possession and enjoyment of the Suit Schedule Property and also restraining the Defendants No.1 and 2 from creating any third party rights in the Suit Property, pending final disposal of the suit.

2. Perused the affidavits in support of the applications and the documents produced at this stage.

3. The Plaintiff is claiming to be the absolute owner and in possession of the Suit Property. The Defendant No.3 and 4 instead of purchasing the Suit Property in terms of Compromise Decree passed by this Court in O.S.No.4105/2021 dtd: 15.9.2023, they brought the Defendant No.1 and 2 and forced him to execute two Sale Agreements in favour of Defendant No.1 and 2, GPA in favour of Defendant No.2 in order to overcome the said Compromise Decree. Even though the Defendant No.3 and 4 have no right on

the Suit Property, they joined as consenting witnesses for the said Agreement with Defendant No.1 in order to blackmail the Plaintiff. The alleged Cheques referred in the Sale Agreements are not handed over to the Plaintiff and the Plaintiff not received the amounts mentioned in the Agreements from the Defendants No.1 and 2. Therefore, the Plaintiff has terminated the contract and Sale Agreement entered with Defendant No.1 and also cancelled the GPA. The Defendant No.1 has not communicated to the Plaintiff stating that he is ready and willing to purchase the Suit Property. Now, the Plaintiff came to know that the Defendants are making efforts to create third party interest in the Suit Property by showing the alleged records. There is chances for the Defendants to disturb his possession and enjoyment of the Suit Property.

4. The Plaintiff has produced 17 copies and certified copies of the documents with photos of the Suit Property along with CD.

5. On going through the prima-facie materials, this Court is of the opinion that, at this stage, the Plaintiff has made out prima-facie case to grant

temporary injunction as prayed in IA.No.2/2024. Further by considering the above materials it is just and necessary to direct both Plaintiff and Defendants to maintain status-quo as on today in respect of Suit Property in connection with prayer of IA.No.1/2024. If the notice is ordered, the very object of filing of the above suit would be defeated by delay.

6. Hence, Issue Temporary Injunction as prayed in IA.No.2/2024 and issue status-quo order in respect of prayer of IA.No.1/2024 till the appearance of Defendants before the Court, subject to Plaintiff complying with the provisions contemplated U/Or. 39 R 3 of CPC.

7. Issue Suit Summons and Notice on IA No.1/2024 and IA.No.2/2024 and Notice on interim order to the Defendants, through Court and RPAD if PF is paid, returnable by: 19.7.2024.

[Sri. Sreepada N]
LXXII Addl.City Civil & Sessions
Judge, (CCH-73), Bengaluru.