

Immediately after passing above order, the plaintiff filed memo not pressing the I.A. U/o 39 R.1 and 2 of C.P.C. Hence, the said application is dismissed as not pressed.

I ASCJ & JMFC, Hubballi.

The plaintiff has filed another I.A. U/o 39 Rule 1 and 2 of C.P.C., seeking temporary injunction against the defendants from alienating or encumbering the suit property pending disposal of the suit. The nature of the above order is different than the nature of the order claimed in the previous application is noted.

Considering the pleading and documents, a prima-facie case is made out at this stage.

If the exparte temporary injunction is not granted the very suit may become infructuous, if the purchaser puts forth the plea of bonafide purchaser for consideration. In such an event the interest of the plaintiff getting jeopardize cannot be ruled out. Therefore, this is the fit case to dispose under Order 39 Rule 3 of C.P.C. Hence, the following,

ORDER

The defendants are restrained for alienating / encumbering the suit schedule property in any manner till the next date of hearing by way of ad-interim exparte order of temporary injunction.

The plaintiff is directed to comply with Order 39 Rule 3 of C.P.C.

Issue exparte T.I. order against the defendants and issue notice on I.A. and issue suit summons to the defendants, returnable by:25.05.2023.

I ASCJ & JMFC, Hubballi.