

ORDERS ON I.A.NO.I

The learned counsel for the plaintiff filed an I.A.No.I under Order XXXIX rule 1 and 2 R/w Sec.151 of CPC seeking an order of ad-interim temporary injunction against the defendant No.2 to 4, their men, servants or any person or persons claiming under them restraining from alienating, transferring or encumbering the suit schedule property by the defendant No.2 to 4 in any manner, pending disposal of the suit.

On perusal of the entire materials available on record, it is noticed to the court that, this is a suit for cancellation of impugned two sale deeds dated:24.04.2025 executed by the plaintiff in favour of defendant No.1 and another sale deed dated:05.06.2025 executed by the defendant No.1 in favour of defendant No.2 to 4 is concerned. As per the contention of plaintiff the defendant No.1 who has assured the payment of consideration as per agreement dragged the payment and also the cheques issued by him are being dishonored. Likewise, the defendant No.1 has successfully postponed the payment of remaining sale consideration amount and also cheated the plaintiff by getting stopped the honor of the said cheques. He has not

at paid the remaining sale consideration amount. Therefore, the sale transaction has not been completed. Thereafter, the defendant No.1 did not become the owner of the suit property by virtue of the sale deed and no title passes to him, only with view to escape his liability by colluding with the defendant No.2 to 4 hatched a plan of creating a registered sale deed, therefore, they have created sale deed in favour of defendant No.2 to 4 in respect of the suit property for sale consideration amount of Rs.15,50,000/- and said sale deed was registered on 05.06.2025. Now as per reliable source it is notice to the plaintiff that the present owners defendant No.2 to 4 are now making hurried attempts to further alienate the suit property by virtue of the illegal sale deed. Therefore, the plaintiff constrained to file the present suit.

Anyhow, in this stage the contents of the affidavit sworn by the plaintiff are presumes to be genuine in order to avoid the defeating the rights of the plaintiff, it is better to grant interim relief against the defendant No.2 to 4 regarding restraining them from alienating the suit schedule property to any body, if the property is alienating to some one purpose of the suit will be defeated and rights of the plaintiff also curtailed, hence I proceed to pass the following:

ORDER

I.A.No.I filed by the plaintiff under Order XXXIX rule 1 and 2 R/w Sec.151 of CPC is hereby allowed.

Consequently, defendant No.2 to 4 are hereby restrained from alienating the suit schedule property in favour of third persons.

This order is in force until passing consider order on the same.

Plaintiff is to comply the order 39 rule 3(a) of CPC.

Issue notice on IA No.I and suit summons to the defendants.

Call on: 13.08.2025.

*I Addl. Senior Civil Judge and JMFC.,
Hubballi.*