

Heard Advocate for plaintiff on I.A. No.I. The suit is for specific performance of contract. I.A. No.I is filed U/o.39 Rule 1 and 2 of C.P.C. restraining defendant from alienating or creating any charge over the suit property pending disposal of the suit. Perused the RTC of the suit property. Perused registered agreement of sale under which plaintiff has paid advance consideration of ₹2,50,000/- out of total consideration of ₹5,85,000/- lakhs. Plaintiff has also produced the original sale deed belonging to his vendor. So, considering the documents produced by the plaintiff, I hold that the plaintiff has made out prima facie case, if notice is not dispensed with, then the filing of the suit itself will be frustrated. Hence, without giving any findings on merits of the case, I hold that the plaintiff is entitle for T.I. as prayed for. Hence, the following:

ORDER

Defendant is restrained from alienating the suit property in any mode by granting T.I. till next date of hearing.

Issue suit summons and notice on I.A.
No.I to defendant.

Plaintiff shall comply provisions of Order
39 Rule 3A of C.P.C.

Call on

Prl. SCJ, Hubballi.