

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 R/w Sec.151 of C.P.C. restraining defendants from alienating the suit property pending disposal of the suit. Perused the RTC of the suit property, it is standing in the name of defendants. Perused agreement of sale under which the plaintiff has paid advance consideration of ₹1,00,000/- out of total consideration of ₹9,00,000/- lakhs. 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

Defendants are restrained from alienating the suit property in any mode by granting T.I. till disposal of the suit.

Issue suit summons and notice on I.A. No.II to defendants.

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

Call on

Sd/-
Prl. SCJ, Hubballi.