

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 the suit property. Perused the original so dated 10.07.2020. The RTC of the suit property is standing in the name of defendant. Plaintiff has got issued legal notice and it is replied by the defendant stating that he has taken hand loan of ₹1 lakh from the plaintiff and it was already returned to her. The apprehension of the plaintiff that defendant may alienate the suit property and thereby filing of the suit itself may be frustrated cannot be discarded. Looking to the plaint averments and documents produced by the plaintiff, I hold that plaintiff has made out prima facie case. The suit property has to be preserved as it is in order to avoid multiplicity of proceedings. Hence, I hold that at this stage plaintiff has made out prima facie and balance of convenience leans in her favour and if T.I. is refused she will be put to hardship. Hence, the following:

ORDER

Defendant is restrained from alienating the suit property in any mode by granting T.I.

as prayed in I.A. No.I till filing of objection to I.A. No.I or written statement.

Issue suit summons to defendant and as well as temporary injunction order.

Plaintiff shall comply provisions of Order 39 Rule 3A of C.P.C. and only thereafter issue certified copy.

Call on 28.07.2023.

Prl. SCJ, Hubballi.