

The plaintiff has filed a suit for specific performance of contract. Along with suit I.A.1 is filed u/o 39 rule 1 and 2 of CPC for grant of exparte ad-interim temporary injunction order against defendant from alienating or transferring suit property till disposal of suit.

The application is supported by the affidavit sworn to by the plaintiff. It is contended that defendant executed registered agreement of sale dated 08.02.2019 agreeing to sell the suit property in his favour by receiving part consideration amount. Further the defendant has received another part payment of consideration amount and executed registered supplementary agreement on 31.01.2020. Inspite of notice defendant is not ready to execute sale deed, therefore, he filed the suit. Now the defendant is trying to alienate the suit property. If the defendant alienates the suit property he will be put into great hardship. Therefore, prays for allowing the application.

I have gone through the averments of plaint, I.A. affidavit and documents, which discloses that the suit property is belongs to defendant and he has executed register agreement of sale and supplementary agreement in favour of plaintiff by receiving part consideration amount. The plaintiff has also got issued legal notice and inspite of it defendant is not ready to execute sale deed. It is alleging that the defendant is trying to alienate the suit property. If the defendant succeed in alienating or creating charge over property it will cause multiplicity of proceedings. Therefore, in order to avoid multiplicity of proceedings and to minimize the litigation it necessary to grant T.I. order as sought for. Hence, court proceed to pass the following...

ORDER

Issue suit summons to the defendant.

Issue notice on I.A.No.1 to the defendant.

Issue exparte ad-interim temporary injunction order against defendant as sought in I.A. No.1 till next date of hearing.

The plaintiff shall comply mandatory provisions of order 39 rule 3(A) of CPC

Call on: 07.04.2025

SR. CIVIL JUDGE AND JMFC,
KALAGHATAGI