

17.08.2024

ORDER

Heard learned counsel for the plaintiff.

The plaintiff has filed this suit seeking the relief of specific performance of contract with respect to suit schedule property.

In the affidavit it is stated that there was an agreement in between plaintiff and defendant No.1 to 4 with respect to suit schedule property. The plaintiff agreed to purchase the suit schedule property for consideration amount of Rs.20,00,000/-. The defendant No.1 have executed a registered sale agreement on 02.01.2020 in favour of plaintiff. That time the defendant No.1 received a sum of Rs.5,00,000/- as an advance sale consideration amount. To the balance amount of Rs.15,00,000/- the defendants have acknowledged receipt of advance sale amount. The applicant is always ready and willing to perform her part of agreement of making payment of remaining consideration amount. But defendants not co-operating with the plaintiff to execute sale deed. The defendants have not complied the oral request of plaintiff and to execute sale deed in favour of plaintiff.

It is further submitted that, the defendants now a days are avoiding registration of sale deed due to hike in sale price.

Now defendants are trying to sell the suit schedule property in favour of third parties. Hence, application is filed by praying to grant temporary injunction. I find that at this juncture, the plaintiff has made out prima facie case in her favour. Issuing of notice would defeat the purpose of granting injunction. Hence I proceed to pass the following;

ORDER

Issue ad-interim temporary injunction against the defendants from alienating the suit schedule property till next date of hearing.

The plaintiff shall comply under Order 39 Rule 3 of CPC.

Issue ad-interim order, suit summons and notice on IA.no.1 to the defendants returnable by

Senior Civil Judge and JMFC
Channarayapatna