

The present suit has been filed by the Plaintiff seeking a decree for Specific performance of Contract along with an application to restrain the defendants from alienating, encumbering or creating third party rights in respect of the suit properties pending disposal of the above suit.

Having heard the counsel for the plaintiff and perusing the documents viz the Original Agreement of sale dated 27.07.2020 and Legal notice, I am of the opinion that in the event this court were not to grant an order of temporary injunction without first issuing notice to the defendants as contemplated under Order 39 Rule 3 CPC, if the defendants were to alienate, encumber or create third party rights in respect of the suit properties by the next date of hearing, it may result in multiplicity of proceedings and prejudice. Hence I pass the following

ORDER

The defendants are restrained from alienating, encumbering or creating third party rights in respect of the suit properties till the next date of hearing.

Issue Suit summons to the defendants and emergent notice on I.A 1 returnable by 19.01.2023

Office to issue a copy of the order if only the Plaintiff
comply with Order 39 Rule 3 CPC

Call on 19.01.2023

CIVIL JUDGE, HOLENARSIPURA