

ORDER

Heard learned counsel for plaintiff on I.A. No.1. Perused I.A. No. 1, annexed affidavit, plaint averments and documents produced.

2. It is averred that, defendant is the owner of land bearing Sy. No.91/8 measuring 1.34 acres, situated at Hebli village, **(Hereinafter referred as Suit Schedule Property)**. He agreed to sell suit property in favour of plaintiff for total consideration of Rs.6,88,000/- and executed registered agreement to sell dated 30/05/2022 receiving entire sale consideration. It was agreed to complete sale transaction after furnishing relevant documents. Despite repeated request, defendant did not come forward to execute the sale deed in terms of said agreement to sell as such plaintiff got issued legal notice dated, 04-07-2025 calling upon defendant to execute the sale deed in terms said agreement to sell but of no avail. The plaintiff has been ready and willing to perform his part of contract but defendant defaulted to perform his part of obligation. Thus, he constrained to file instant suit and instant application to restrain defendant from alienating or creating charge over suit property pending disposal of the suit. There is prima-facia case and balance of convenience lies in his favour. Hence, prayed to allow this application.

3. In support of his case, plaintiff produced original registered agreement to sell dated, 30-05-2022, RTC extract, Legal notice dated, 03-07-2025, postal receipt and sealed envelop. It appears from RTC extract and registered agreement to sell dated 30-05-2022 that defendant being owner has agreed to sell suit property in favor of plaintiff and executed registered agreement to sell receiving entire sale consideration. It appears from legal notice dated 04-07-2025 that, the plaintiff called upon defendant to execute sale deed in terms of said agreement to sell. Considering these aspects at this stage, if ad-interim injunction as prayed for is not granted defendant may alienate or may create charge over suit property which will defeat very purpose of filing of instant application and may also lead to multiplicity of proceedings. Thus, issuance of prior notice to defendant is hereby dispensed with and defendant is hereby restrained from alienating or creating charge over suit property till next date of hearing.

4. The plaintiff has to comply with Order 39 Rule 3 of Code of Civil Procedure. If compliance is reported, issue notice of prohibitory order, notice

OS NO. 108/2025

of I.A. No.1 and suit summons to
defendant.

Call on: 27-10-2025.

C/C Senior Civil Judge & JMFC.,
Aland