

Case is called out.

Heard Sri. BR advocate for plaintiff on I.A. No.I and perused record of the case.

The plaintiff has sought for ex-parte T.I. under I.A.No.I against the defendant, his agents, servants, family members, attorney holder/s and such other persons claiming under him to restrain them from transferring, conveying, alienating or encumbering the suit property pending disposal of the suit.

I have perused the application, affidavit and other relevant documents produced by plaintiff. The plaintiff has filed this suit against the defendant for specific performance of contract. According to the plaintiff, the suit property is owned by the defendant who has executed an agreement of sale in his favour agreeing to sell the same for Rs.11,00,000/-. However, in spite of existence of the said agreement, the defendant is trying to alienate the suit property to third parties. Therefore, the plaintiff has sought for ex-parte T.I. against the defendant.

In support of his contention, the plaintiff has produced original registered agreement of sale which prima-facie reveals that defendant has executed the same in favour of the plaintiff agreeing to sell the suit property to him. The plaintiff has also produced office copy of legal notice issued by

him to the defendant which prima-facie shows that since the defendant refused to act as per the agreement, the plaintiff had called upon him to execute a regular sale deed.

The above documents prima-facie support the case of plaintiff that he has obtained an agreement of sale in his favour in respect of suit property but in spite of the same, the defendant is trying to alienate the suit property to third parties. Thus, the plaintiff has made out prima-facie case for grant of temporary injunction. If exparte injunction is not granted at this stage, there is every possibility that plaintiff may suffer loss and that the very purpose of filing of this suit would be defeated. Hence, I proceed to pass the following:

ORDER

Exparte T.I. is granted and the defendant and persons claiming through him are hereby restrained from alienating the suit property till next date of hearing.

The plaintiff is directed to comply the provisions of Order XXXIX Rule 3 of CPC.

Issue suit summons, emergent notice on I.A.No.I and T.I. Order to defendant.

Call on 26.02.2026.

I Addl. Senior Civil Judge JMFC, KGF.