

EXPARTE ORDERS ON I.A.NO.1

The plaintiff has filed this suit against the defendants for Specific performance of agreement of sale dated – 20.03.2024 said to have been executed by the deceased Gangadhara N.B along with I.A No.1 U/o. 39 Rule 1 and 2 of C.P.C for seeking an order of *ex-parte* ad-interim Temporary Injunction against the defendants.

2. Perused the plaint, I.A. filed U/o. 39 Rule 1 and 2 of C.P.C the connected affidavit sworn by the plaintiff and documents placed on record.

3. Heard counsel for the plaintiff on I.A No.1 and perused the available materials on record.

4. The plaintiff in his affidavit has stated that originally suit schedule property belong to him. On 08.06.2021 he had executed the sale deed in favour of deceased Gangadhara N.B. In turn said Gangadhara N.B had executed the agreement of sale on 20.03.2024 by delivering the possession of the suit schedule property. Said Gangadhara N.B died on 10.05.2025. Thereafter Khatha of the suit schedule property got mutated into the name of defendant No.1. Now defendant No.1 is trying to alienate the suit schedule property based on the Khatha. Therefore, prays for allow the application as prayed.

5. On perusal of the documents furnished by the plaintiffs they prima facie reveal that originally suit schedule property belongs to the plaintiff. On 08.06.2021 he had executed the registered sale deed in favour of Gangadhara N.B S/o Bojgowda. Accordingly Khatha has been mutated in the name of Gangadhara N.B. Further, it appears that said Gangadhara N.B had executed the unregistered agreement of sale on 20.03.2024 by agreeing to sell the suit schedule property for consideration amount of Rs. 16,60,000/-. Further it appears that in furtherance of contract he had delivered the possession of the suit schedule property in favour of plaintiff. The plaintiff has paid amount of Rs. 1,65,000/- as duty and penalty on unregistered agreement of sale dated – 20.03.2024 as per order passed by the District Registrar dated – 28.11.2025. The plaintiff has issued legal notice the defendants on 09.07.2025 and said notice duly served on defendant No. 1 and 2. It is pertinent to note that executant Gangadhara N.B died on 10.05.2025 and Khatha of the suit schedule property got mutated into the name of 1st defendant as per M.R No. H1/2025-26. The plaintiff has stated that based on the Khatha defendants are trying to alienate the property.

Learned counsel for the plaintiff has argued that if defendants have alienated the property it cause much hardship to the plaintiff. Hence, he prays for grant ad-interim exparte

temporary injunction. In support of his argument he relied on decisions reported in 1998(5)KARLJ601, AIR(CAL),1998-0-25 and Judgment passed by the Hon'ble Supreme Court of India in SLP (Civil)No.252/2023. I gone through the Judgments relied by the learned counsel for the plaintiff. The Hon'ble Apex court has granted temporary injunction against the respondents by way of status quo order. In case on hand on perusal of the documents it appears that possession has been delivered to the plaintiff in furtherance of contract and he has paid amount of Rs. 1,65,000/- as duty and penalty. Hence, if ad-interim temporary injunction is not granted it will cause hardship to the plaintiff and it creates multiplicity of proceedings. Therefore, I am of the opinion that the plaintiff has made out grounds for issuance of *ex-parte* ad-interim Temporary Injunction Order. Considering the urgency involved in the matter, notice to the defendants requires to be dispensed with to meet ends of justice. Therefore, I proceed to pass the following;

ORDER

By this Order of *Ex-parte* ad-interim Temporary Injunction the defendants are hereby restrain from alienate the suit schedule properties by way of gift, sale, mortgage or in any other mode to anybody till the next date of hearing.

This Order shall coming to effect only upon compliance of Order 39 Rule 3(a) of C.P.C.

Issue ad-interim *ex-parte* T.I order, after compliance, Emergent Notice on I.A.No.1, and suit summons to the defendants.

Returnable by 03.01.2026.

(DEVARAJU H.R.)
I Addl. Sr.Civil Judge & JMFC,
K.R.Pete.