

Perused the documents filed along with suit.

The present suit is filed for Specific Performance of Contract.

The plaintiff filed IA No.1 U/o 39 rule 1 and 2 of CPC seeking temporary injunction against the Defendants restraining them from alienating or creating any encumbrance over the suit schedule property till disposal of the suit. He has produced copy of Agreement of sale, notice and other documents along with the suit.

Learned counsel for plaintiff prays for interim ex parte temporary injunction against the Defendants as the matter is urgent as they are trying to alienate the suit schedule properties immediately.

On perusal of the materials placed on record, it is forthcoming that the plaintiff is claiming the relief of specific performance of contract on the basis of registered agreement of sale dated 27.09.2021. He alleges that the defendant No.1 already sold suit schedule item No.2 property in favour of defendant No.2 to 5 during the subsistence of agreement of sale in his favour. He also alleges that the defendants are making hectic efforts to alienate suit schedule properties to third parties to deprive the right of the plaintiff. Therefore, there exists prima-facie case in favor of the plaintiff at this stage against the Defendants. If temporary injunction is not granted at this stage, the very purpose of filing the suit would be defeated and it would lead to multiplicity of the proceedings.

As per order 39 rule 3 before granting temporary injunction, notice has to be served on the opposite side. However, in cases of emergency and where it appears to the court that the object of granting injunction would be defeated by delay, which may be caused in serving notice to the opposite party on the application, the court can dispense with the notice to the opposite party before granting injunction. In the instant case there appears emergent situation and, if notice is order to be served on the Defendants before granting injunction, the very purpose of filing the suit would be defeated and it would lead to multiplicity of proceedings. Therefore, it is

necessary to restrain the Defendants at this stage through exparte interim order of the court on exercising discretionary power vested with this Court. Hence, this court deems fit to pass the following:

ORDER

The Defendants are hereby restrained from alienating suit schedule properties till next date of hearing.

The plaintiff to comply order XXXIX Rule 3(a) of CPC.

Issue notice on I.A.No.I and suit summons to Defendants r/by: 22.09.2025.

Addl., Senior Civil Judge & JMFC.,
Maddur.