

ORDER REGARDING GRANTING OF AD-INTERIUM
EX-PARTE ORDER OF TEMPORARY INJUNCTION

The applicant/plaintiff filed IA No.II under Order 39, Rule 3 read with section 151 of Civil Procedure Code for dispensing the issuance of notice on IA No.I to defendants before passing ad-interim ex-parte temporary injunction at this stage.

2. The applicant/plaintiff filed IA No.III under Order 39, Rule 1 and 2 read with section 151 CPC.

3. The applications are supported with the affidavits of applicant/plaintiff duly sworn and stated that defendants are the owners of the suit schedule property and executed registered agreement of sale on 26.09.2022 by agreeing to sell the suit property for consideration of Rs. 8,70,000/- and received advance sale consideration amount of Rs. 6.00.000/-. It is further sworn that the defendants failed to perform their part of contract as per the agreement and hence the present suit is filed for specific performance. It is further sworn that now the defendants are trying to alienate the suit property and hence sought for grant of ex-parte temporary injunction.

4. Perused the plaint averments as well as sworn affidavits of the plaintiff filed in support of IA No.II and III & also the documents produced by the plaintiff.

5. The documents produced by the plaintiff shows that suit schedule property appears to be belongs to the defendants

and they have executed the registered agreement of sale as asserted by the plaintiff. The grievance of the plaintiff at this stage is that defendants are trying to alienate the suit property and in that event he will be put to hardship. The main objective of granting temporary injunction is to preserve the suit property intact till the conclusion of trial. In the facts and circumstances of the case, if the interim relief as prayed in IA No.III is not granted, in my opinion it will frustrate the purpose of filing of the suit. Hence, I am of the opinion that at this stage, plaintiff made out grounds for grant of ex-parte injunction. Therefore, I proceed to pass the following;

ORDER

I.A.No.II filed by the applicant/plaintiff under Order 39, Rule 3 read with section 151 of Civil Procedure Code for dispensing the issuance of notice on IA No.III to defendants at this stage is allowed.

Issue ex-parte order of ad-interim temporary injunction against the defendant as prayed in IA No.II.

Consequently, defendants are hereby restrained from alienating or creating any charge over the suit property till next date of hearing.

The plaintiff is directed to comply the mandatory provision of Order 39, Rule 3 of Civil Procedure Code.

Issue suit summons and notice of IA No.III to defendants, if sufficient process fee and copies are furnished.

Returnable by:29.11.2024.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 25th day of October, 2024)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**