

Heard. Sri.KSD Advocate for Plaintiff.

Perused the plaint averments, the application I.A.1 filed under order 39 rule 1 & 2 of C.P.C. along with the accompanying affidavit filed in support of the application together with the suit documents. The plaintiff has filed this suit against defendant seeking **specific performance of contract**. As an ancillary relief, the plaintiff has sought exparte ad-interim order of T.I. restraining the Defendant from alienating the application schedule property pending disposal of the suit.

Considering the nature of the suit and the interim orders prayed on the basis of the documents filed along with the plaint, I am of the opinion that ordering notice to opponent would delay proceedings and results in the suit becoming infructuous in the event of the opponent are creating any encumbrance, executing any deeds with respect to schedule property, which will also lead to multiplicity of proceedings. In the light of the apprehension of the plaintiff that the Defendant is making attempting to alienate the schedule property. Hence, preserving the said property in the same state is necessary. Otherwise, the case of the plaintiff would be frustrated. Hence, I proceed the pass the following:

### **ORDER**

Issue Ad-interim of exparte order of T.I. Restraining the Defendant from alienating the application schedule property till disposal of IA-2.

Plaintiff to comply order 39 rule 3(a). If compliance is reported, issue T.I and E/N on I.A.1 and suit summons to defendant returnable by : **15.02.2020.**

Senior Civil Judge, K.R.Nagar.