

OS 64/22

**ORDER**

Heard learned counsel for the plaintiff. The plaintiff has filed this suit seeking direction against the Defendants to execute the Register Sale Deed in his favour by receiving balance sale consideration as per the sale agreement dated 20.09.2021.

Along with Suit plaintiff has also filed I.A.No.1 under order 39 rule 1 and 2 of CPC seeking ad-interim temporary injunction restraining the defendants from alienating the suit schedule property in any manner till the disposal of the suit.

The plaintiff has produced Original Sale agreement, RTC, Legal notice dated 17.08.2022, postal receipts which prime facie reveals that, the defendants

No.1 to 3 have agreed to sell the suit schedule property for Rs.10,80,000/- under the alleged agreement of sale dated 20/09/2021 and it also appears that, Defendants have received Rs.8,00,000/- from the plaintiff under this document as advance of sale consideration amount.

Now it is the apprehension of the plaintiff that, after the execution of Sale Agreement, the defendants are making attempts to alienate the suit schedule property to deprive him from his rights. If the defendants alienate or dispose off the same in favour of strangers, it will lead to multiplicity of proceedings and plaintiff would be put to hardship. If an order of injunction granted in favour of plaintiff, defendants will not put to any hardship. Hence, the plaintiff has made out prima-facie case in his favour and balance of convenience and relative hardship also leans in favour of the plaintiff. Under the circumstances, issuance of notice may defeat the purpose of filing the suit. Hence, I pass the following :-

**ORDER**

Ad-interim exparte temporary injunction granted against the defendants restraining them from alienating the suit schedule property in any manner till the filing of W/S by the Defendants.

The plaintiff shall comply order 39 Rule 3 of CPC.

Issue emergent notice on IA No.1 and suit summons to defendants.

Returnable by 30/09/2022.

Sr CJ & JMFC., K.R.Nagar.