

ORDER IA NO.1 FILED U/O 39 R-1 AND 2 OF CPC

1. IA No.1 is filed by the applicant/plaintiff U/o 39 R-1 and 2 of CPC seeking an ad-interim ex-parte order of temporary injunction to restrain defendant, persons claiming under him from alienating the application schedule property in favour of 3rd parties pending disposal of present suit in the interest of justice and equity.

2. Heard the learned counsel for the applicant/plaintiff. Perused the plaint averments, affidavit, annexed to IA No.1 and also other materials placed before this court.

3. The above suit is filed by plaintiff against defendant for the relief of Specific Performance of Contract.

4. On careful perusal of affidavit averments, application averments and documents available on record it go to show that applicant/plaintiff has got prima facie case on hand.

5. At this stage the applicant/plaintiff has made out sufficient grounds and prima-facia case so as to protect his right and interest over the application schedule property. In order to avoid multiplicity of proceedings further, the very object of granting injunction would be defeated by delay. Hence, notice on IA No.1 to defendant

as contemplated U/o 39 R-3 of CPC is hereby dispensed with being of the above opinion. Hence, this court proceed to pass the following:

ORDER

Pending disposal of IA No.1 defendant, persons claiming under him are hereby restrained from alienating the application schedule property in favour of 3rd parties by way of an ad-interim ex-parte temporary injunction order.

This order shall remain in force till defendant filing his written statement and objections.

Office is directed not to issue the certified copy of this order until complied with order 39 R-3 of CPC.

Issue emergent notice to defendant in respect of IA No.1.

Issue ad-interim temporary injunction order in respect of IA No.1.

Issue emergent notice to defendants on IA No.1 and also issue suit summons to defendant returnable by: 12/08/2021

(Gayatri)
Addl. Civil Judge & JMFC.,
K.R.Nagar.