

KAMS500025062022



**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC
NANJANGUD**

Present : B. Anupama Lakshmi, B.A., LL.B.,
Senior Civil Judge & J.M.F.C.,
Nanjangud

Dated this the 10th day of November 2022

O.S./170/2022

Plaintiff : Ubedulla Khan

-V/s-

Defendants : Mustarikhanum and another

I.A. I

Applicant : Ubedulla Khan

-V/s-

Opponents : Mustarikhanum and another

**ORDERS ON I.A. I DATED 08/07/2022 UNDER ORDER
39 RULE 1 & 2 R/W SEC. 151 OF CPC**

The plaintiff has filed the I.A. along with the suit
seeking temporary injunction against the defendants

restraining them from alienating the suit schedule property till disposal of the suit.

2. The defendants though appeared before the Court through their counsel did not file written statement and counter statement.

3. Heard both sides. Perused the pleadings and materials placed on record.

4. The points that arises for consideration are as follows:-

1. Whether the plaintiff has made out prima facie case ?
2. Whether the plaintiff has got balance of convenience in his favour ?
3. Whether the plaintiff will be put irreparable injury if the temporary injunction is not granted ?
4. What order ?

5. The above points are answered as follows :-

Points No.1 to 3 : In the Negative

Point No.4 : As per final order
for the following:-

REASONS

6. **Points No.1 to 3**:- These points are taken up together for discussion as they are interconnected with one another and to avoid repetition.

7. The plaintiff has instituted the suit for specific performance of agreement to sell dated 18/07/2019. The plaintiff has sought the interim relief against the defendants stating that the defendants have not come forward to perform their part of contract. However, the sale agreement shows that the sale consideration is Rs.1,65,00,000/- and the agreement is executed on a stamp paper of the value of Rs.2,000/-. The sale agreement is insufficiently stamped document. As per law, no relief can be granted on the basis of insufficiently stamped document. Therefore, in this case also the relief for the aforesaid reason cannot be granted. Hence, **points No.1 to 3** are answered in the **Negative**.

8. **Point No.4:-** In view of the findings on the points No.1 to 3, this Court proceeds to pass the following:

ORDER

I.A.I dated 08/07/2022 filed by the plaintiff under Order 39 Rules 1 and 2 r/w sec. 151 of CPC is rejected.

(Dictated to the Typist, corrected, initialed and then pronounced by me in open Court on this the 10th day of November 2022).

(B. Anupama Lakshmi)
Senior Civil Judge, Nanjangud.

**Order pronounced in the open
court, vide separate order**

ORDER

I.A. dated 19.11.2021 filed
by the plaintiff under Order 39
Rule 1 and 2 of CPC is hereby
dismissed with costs.

Senior Civil Judge, Nanjangud.