

ORDERS

The plaintiff has filed this suit against the defendant for the relief of Specific Performance of Contract in respect of the suit schedule properties.

2. The plaintiff has filed I.A.No.II U/O.39, Rule 1 and 2 of C.P.C., praying to grant ex-parte ad-interim temporary injunction order in favour of plaintiff and against the defendant, his servants, agents or any other person acting on his behalf from not to alienate the suit schedule properties in any manner till pending disposal of the suit.

3. The plaintiff has produced Agreement of Sale dated:02.03.2023, Tax paid receipt, Encumbrance certificate, Death certificate, Legal notice dated:23.07.2024, Postal receipts, Postal Acknowledgment and Postal cover.

4. On perusal of the pleadings and documents filed by the plaintiff, it is crystal clear that, presently the suit schedule properties have been standing in the name of father of the defendant by name Late Revanna Nanjundashetty @ Nanjundashetty. Further, it is crystal clear that, the defendant has executed Agreement of Sale dated: 02.03.2023 in favour of plaintiff. Now the defendant is trying to alienating the suit schedule property to third person. At this stage, this Court is of the opinion that, the plaintiff has made out prima-facie case to grant temporary injunction. If temporary injunction is not granted

as prayed, the purpose of filing the suit would be defeated and also it would cause hardship and inconvenience to the plaintiff. Thus, ex-parte temporary injunction may be granted by dispensing with the notice to the defendant on I.A.No.II as the very object of granting injunction would be defeated by delay if notice is issued. Therefore, by considering the facts and circumstances, I proceed to pass the following:-

ORDER

Issue ad-interim temporary injunction against the defendant. The defendant, his servants, agents or any other person acting on his behalf are restrained from not to alienate the suit schedule properties in any manner till next date of hearing.

The plaintiff is hereby directed to compliance under Order 39 Rule 3(a) of C.P.C.

Issue T.I Order on I.A.No.II to defendant and suit summons to the defendant.

Returnable by: 08.01.2025.

**Addl. Civil Judge & J.M.F.C.,
T.Narasipura. ****