

OS No.62/2026
Dated: 04.06.2026

EXPARTE ORDER ON I.A. NO. 1 FILED UNDER ORDER 39
RULE 1 R/W SECTION 151 OF CPC

Perused the plaint. Heard the counsel for plaintiff. The plaintiff has filed this suit for the relief of specific performance seeking direction against the defendant to execute a sale deed in favour of plaintiff in respect of the suit schedule property and such other reliefs which deems fit to grant under the circumstances of the case.

Along with the present suit the plaintiff also filed I.A. No. 1 under order 39 rule 1 R/W section 151 of CPC for seeking ad-interim exparte temporary injunction against the defendant from restraining the defendant from alienating, creating any charge over the suit schedule property to any persons other than the plaintiff, in any manner, till the disposal of the suit.

Perused the contents of the application and the annexed affidavit sworn by the plaintiff along with the documents. In the annexed affidavit the plaintiff stated on oath that, the defendant being the owner of the suit schedule property by agreeing to sell the same to the plaintiff executed the registered sale agreement document No.10843/2023-24 on 09.01.2024 by receiving Rs.29,00,000/- as advance out of Rs.30,00,000/- total sale consideration.

It is further alleged by the plaintiff that even after repeated demands by the plaintiff on 09.07.2024, 29.07.2025, 13.12.2025 and 03.01.2026 the defendant not came forward to receive the balance sale consideration of Rs.1,00,000/- and to execute registered sale deed in favour of the plaintiff. Thereby, it is the allegation of the plaintiff that the defendant intentionally and deliberately avoiding the execution of

sale deed. Having no other option, the plaintiff filed the present suit along with this I.A.

Along with the plaint the plaintiff has produced original registered sale agreement dated 09.01.2024, legal notice dated 27.01.2026. By perusing the same the plaintiff has made out prima facie case and grounds. To avoid the multiplicity of proceedings and also the prayer seeking under the I.A. is not going to change the nature of the suit. As such, this court is under the opinion that the exparte order of not to alienate may be granted. If the exparte order granted in favour of the plaintiff, no hardship will be caused to the other side. Hence, proceeded to pass the following order.

ORDER

The defendant is hereby restrained from alienating or creating any right or creating any encumbrance over the suit schedule property to any persons by way of temporary injunction, till next date of hearing.

The plaintiff is hereby directed to comply the order 39 rule 3 of C.P.C. and on compliance, the office is hereby directed to issue order of temporary injunction, suit summons and emergent notice on I.A. No. I to the defendant on emergent process.

Call on 02.07.2026.

Senior Civil Judge and JMFC,
Manvi