

**INTERIM ORDER ON IA NO.I**

Heard the counsel for the plaintiff and perused the materials on record.

2. The counsel for the plaintiff has argued that the defendant has executed a unregistered Agreement of Sale dated 24.03.2023 in respect of the suit schedule property, in lieu of loan taken by him, in her favour for total consideration amount of Rs.40,00,000/- and received Rs.35,50,000/- in total and the last advance consideration amount paid to the Defendant was on 24.03.2023 as advance amount and Defendant agreed to execute Sale Deed in respect of the suit schedule property after getting revenue documents, by receiving balance sale consideration of Rs.4,50,000/-. But, having agreed to execute the sale deed, the defendant has not come forward to do the same. The plaintiff issued a notice calling upon the defendant to execute the sale deed. But he failed to do so and he is in a hurry to alienate the suit schedule property to others. Hence, the plaintiff has filed this suit for the specific performance of

contract. Therefore, in order to restrain the defendant, the plaintiff has prayed for an order of temporary injunction against the defendant.

3. The perusal of the Sale Agreement goes to show that the suit schedule property was agreed to be sold to the plaintiff as per the agreement dated 24.03.2023 and the Plaintiff paid last balance sale consideration amount of Rs.20,00,000/- on 24.03.2023. Therefore, the limitation starts from 24.03.2023. Hence, the suit is well within the limitation.

4. At this stage, from the documents produced by the plaintiff, it is clear that if the interim relief as sought for is not granted, the very purpose of filing the suit will be frustrated. Hence, at this stage the plaintiff has made out ground for grant of an order of temporary injunction against the defendant to restrain him from alienating the suit schedule property. Accordingly, I proceed to pass the following:

**ORDER**

The defendant is hereby temporarily restrained from alienating or creating any third party interest on the suit schedule property by an order of temporary injunction till the next date of hearing.

Issue an order of temporary injunction if the plaintiff comply Order XXXIX Rule 3(a) of CPC.

Issue Emergent Notice and Order on I.A.No.I  
to the defendant and suit summons to the  
defendant through Court on compliance.

Call on **02.07.2024.**

(SHUBHA)  
**Senior Civil Judge & JMFC.,**  
**Channapatna.dt.27.04.2024.**