

Date: 03.08.2023

Plt: H.Krishnegowda

Dft:

For Orders on IA I

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 defendants have executed a Registered Agreement of Sale dated 09.11.2020 in respect of the suit schedule property, in favour of the plaintiff for total consideration amount of Rs.7,30,000/- and received Rs.4,00,000/- as advance amount and agreed to execute Sale Deed in respect of the suit schedule property after getting revenue documents, by receiving balance sale consideration of Rs.3,30,000/-. But, having agreed to execute the sale deed, the defendants have not come forwarded to do the same. The plaintiff issued a notice calling upon the defendants to execute the sale deed. But they failed to do so. Hence, the plaintiff has filed this suit for the specific performance of contract. The defendants are in a hurry to alienate the suit schedule property. Hence, in order to restrain the defendants, the plaintiff has prayed for exparte 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 09.11.2020.

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 ex-parte temporary injunction against the defendants to restrain him from alienating the suit schedule property. Accordingly, I proceed to pass the following:

ORDER

The defendants are hereby restrained from alienating, creating charges, mortgages, leases and any other third party rights in respect of the suit schedule property by an order of temporary injunction till the next date of hearing.

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

Issue notice of I.A. No.I and suit summons to the defendants through Court on compliance.

Call on **30.09.2023.**

(SHUBHA)
**Senior Civil Judge & JMFC.,
Channapatna.dt.03.08.2023.**