

Date: 05.09.2023

Plt: Narayanagowda

Dft:

For Orders on IA II

INTERIM ORDER ON IA NO.II

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 29.08.2022 in respect of the suit schedule properties, in favour of the plaintiff for total consideration amount of Rs.60,00,000/- and received Rs.50,00,000/- as advance amount and agreed to execute Sale Deed in respect of the suit schedule properties after getting revenue documents, by receiving balance sale consideration of Rs.10,00,000/-. 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 properties. Hence, in order to restrain the defendants, the plaintiff has prayed for an ad-interim order of temporary injunction against the defendants.

3. The perusal of the Sale Agreement goes to show that the suit schedule properties was agreed to be sold to the plaintiff as per the agreement dated 29.08.2022.

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 ad-interim order of temporary injunction against the defendants to restrain them from alienating the suit schedule properties. Accordingly, I proceed to pass the following:

ORDER

The defendants, their agents, servants, supporters, followers or anybody claiming under them are hereby restrained from in anyway alienating the suit schedule properties 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 & II and suit summons to the defendants through Court on compliance.

Call on **30.09.2023.**

(SHUBHA)
**Senior Civil Judge & JMFC.,
Channapatna.dt.05.09.2023.**