

Heard arguments of Sri. M.A.G., Advocate for plaintiff on I.A. No.1 perused averments of plaint, documents, I.A.No.1 and affidavit annexed to I.A.No.1.

Plaintiff has filed present suit against defendant for Specific performance contract in respect of suit schedule property. Wherein the Plaintiff has filed I.A.I under Order 39 Rule 1 and 2 R/w 151 of C.P.C. requesting the court to pass an ad interim Ex-Parte T.I. order restraining the defendant, her agents, servants or anybody acting on her behalf from alienating the suit schedule property to anybody in any manner till disposal of the present suit. It is the apprehension of the plaintiff that the defendant may dispose off the suit schedule property during the pendency of the suit. I have perused the documents produced by the plaintiff in support of his contention, the documents produced by plaintiff at this stage shows prima-facie case in favour of plaintiff. If prior notice under Order XXXIX Rule 3(a) C.P.C. is not dispensed, the very purpose of filing the suit will be defeated. Hence, it is just and necessary to dispense with the issuance of prior notice. Considering the facts and circumstances of the case, by dispensing the issuance of prior notice, accordingly IA No.1 is allowed and this court proceeds to pass the following:

ORDER

Ex-parte Temporary Injunction order is granted as prayed in I.A.No.1 against the defendant. The defendant is hereby restrained from alienating the suit schedule property to anybody in any manner till next date of hearing.

Plaintiff shall comply the order as per the provisions under Order XXXIX Rule 3(a) of C.P.C.

Office is directed to issue certified copies after ensuring the compliance and issue suit summons and notice of I.A No.1 with Ex-Parte T.I order copy to the defendant, if sufficient PF is paid.

The counsel for plaintiff is hereby directed to co-operate to dispose off I.A No.1 within statutory period.

Call on: 17.12.2024.

Sd/-

(Smt. RADHA S.)
Addl. CJ and JMFC,
Kanakapura.