

01.08.2023

Plf:- Sri. A.S.S. Adv.,

Def:-

For orders on I.A.No.1 & 2

ORDER ON IA No.I

The plaintiff has filed this suit against the defendants for the relief of Specific Performance of contract. Along with the plaint the plaintiff has filed the IA No.1 under order 39 Rule 1 & 2 of CPC.

Heard the plaintiff counsel on IA No.1. The contention of the plaintiff is that, the father of defendant No.2 and 3 and husband of defendant No.1 was the absolute owner of suit schedule property bearing Sy.No.45/1, measuring 0-22½ guntas. The husband of defendant No.1 and father of defendant No.2 and 3 has entered into an agreement of sale dated: 15.04.1991 and agreed to sell the suit schedule property for a consideration of Rs.6,750/- and at the time of execution of agreement of sale the Late. Siddaiah received advance amount of Rs.4,000/- from the plaintiff through cash. Since the date of sale agreement, the plaintiff is in possession and enjoyment of suit schedule property. Hence, prays to grant an ad-interim ex-parte order of temporary injunction.

Upon going through the plaint, IA No.1

accompanied affidavit, and documents which are produced by the plaintiff shows that, plaintiff at this juncture, has made out ground a prima-facie case to grant an ad-interim ex-parte order of temporary injunction. Hence, I proceed to pass the following;

ORDER

Issue an order of ex-parte temporary injunction restraining the defendants from alienating, mortgaging or creating any charge over the suit schedule property i.e., land bearing Sy.No.45, measuring 0-22½ guntas, situated at Narayanpura Village, Magadi Taluk, in any manner till the next date of hearing.

Plaintiff is directed to comply with order 39 rule 3(a) of CPC.

Issue notice of ex-parte TI order on IA No.1 along with suit summons to the defendants.

**Prl. Civil Judge & JMFC,
Magadi.**

INTERIM ORDER ON I.A.No.2

The plaintiff has filed the suit for specific performance of contract against the defendants. Along with the plaint the plaintiff has filed IA No.2 U/O. 39 Rule 1 and 2 of C.P.C., praying to grant ad-interim Ex-Parte T.I., order against the defendants.

Perused, no prima-facie grounds to dispense the pre-order notice and to issue ex-parte T. I, order are made out at this juncture .

Hearing of defendants is necessary.

Hence, issue suit summons and notice on IA No-2 to defendants.

Call on 23.08.2023.

**Prl. Civil judge & JMFC,
Magadi.**