

ORDER

I have heard the counsel for plaintiff on I.A.No.1 under Order XXXIX Rules 1 and 2 of CPC and perused the entire records on file.

2. This is a suit filed for the relief of specific performance of contract. It has submitted that the defendants have executed a registered sale agreement dated 25.10.2018 with respect to the suit schedule property in favour of plaintiff for valid consideration of Rs.8,25,000/- and at the time of registration the defendants have received major portion of consideration amount Rs.7,00,000/- by way of cheque from the plaintiff. As per the registered sale agreement defendants have agreed to execute the sale deed after obtaining relevant documents, inspite of that defendants failed to perform their part of contract and attempted to alienate the suit schedule property. In spite of service of notice the defendants have not performed their part of contract and attempted to sell the suit schedule property and try to defraud the right of the plaintiff over the suit schedule property.

3. It is further submitted that the prima-facie case and balance of convenience lies in favour of plaintiff. If this application is allowed, no much loss or injury will cause to the opponents. On the contrary, if plaintiff application is

not allowed definitely great hardship and irreparable loss cause to the plaintiff. Hence this plaintiff prays to grant exparte temporary injunction. Hence, I am of the opinion that plaintiff has made out prima-facie case and balance of convenience also lies in his favour, accordingly, I proceed to pass the following:-

ORDER

Issue an ad interim order of temporary injunction restraining the defendants from alienate, create any sought of charge over the suit schedule properties for the ends of justice and equity till further order of this court.

The plaintiff shall comply Order XXXIX Rule 3(A) of CPC.

Issue suit summons to the defendants No.1 to 3 and order on I.A.No.1 to the defendants No.1 to 3.

Senior Civil Judge & JMFC,
Gubbi.