

I have perused plaint averments, I.A. No.1 and affidavit. Plaintiff has instituted the present suit against the defendants for relief of specific performance of contract as per sale agreement dated : 06-02-2016. Plaintiff has filed I.A. No.1 seeking Temporary Injunction to restraining the defendants from alienating the suit schedule property during the pendency of the suit.

2. The plaintiff submits that the defendants are the absolute owners of the suit schedule property and the defendants have agreed to sell the same infavour of plaintiff and accordingly they have executed sale agreement dated : 06-02-2016 agreeing to sell the suit schedule property for Rs. 4,90,000/- out of which Rs.

4,50,000/- was received by the defendants. It is further stated that in spite of repeated requests the defendants failed to execute the sale deed which constrained the plaintiff to issue demand notice on 11-01-2019 for which also the defendants did not reply accordingly the instant suit carelessly failed.

3. The plaintiff has produced photo copy of sale agreement dated : 06-02-2016, R.T.C, legal notice dated : 11-01-2019, R P A D receipts and acknowledgements. Documents produced by the plaintiff at this stage show prima-facie case in favor of plaintiff. If the prior notice under order 39 Rule 3 (a) of CPC is not dispensed with, the object of granting the injunction would be defeated by delay. 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, I proceed to pass the following:

ORDER

Exparte Temporary injunction is granted as prayed in the I.A. No. 1 against the defendants from alienating the suit schedule property in favor of anybody till next date of hearing.

Plaintiff shall comply the provisions of Order XXXIX Rule 3(a) of CPC.

Office is directed to issue certified copies after ensuring the compliance.

Issue emergent notice on I.A. No.1 and issue suit summons to defendants. Returnable by 13-02-19.

Addl. Civil Judge and JMFC.,
GUBBI.