

Case is advanced and taken on today's board in view of the advancement application filed by Sri. AAA Advocate for the plaintiff.

2. Sri. AAA Advocate for the plaintiff files IA.No.2 under Order 39 Rules 1 and 2 read with Section 151 CPC praying the Court to grant exparte order of temporary injunction restraining the defendant from entering into the suit schedule property and causing any damage to bearing house No.2710/A situated in Sy.No.3742 measuring 00-04-02 situated at Kodibag Village, Karwar Taluk or disturbing any structure or interfering in any manner in the suit schedule property pending disposal of the suit.

3. I have heard the arguments of Sri. AAA Advocate for the plaintiff on the above application.

4. I have perused the application, affidavit filed in support of application and photograph and other documents produced by the plaintiff including the endorsement issued by the Station House Officer of Women Police Station, Karwar and also the copy of legal notice dated 13-02-2025.

5. On perusal of the records, it is seen that the plaintiff has sued the defendant for specific performance of contract based on an agreement of sale dated 16-11-2023. This Court on 12-02-2025 issued

emergent notice on IA.No.1, which was filed by the plaintiff under Order 39 Rules 1 and 2 CPC seeking to restrain defendant from alienating or encumbering in the suit schedule property.

6. Now the plaintiff has got advanced the case today and argued on IA.No.2 stating that though the emergent notice on IA.No.1 and suit summons have been served upon the defendant, the defendant and his henchman are now trying to dis-mental the house situated in the suit schedule property and therefore the defendant must be restrained from doing all such acts atleast till next date of hearing.

7. Taking into consideration in urgency involved in the matter and having regard to the facts and circumstances of the case on hand and also taking into consideration the reasons indicated in the affidavit filed by the plaintiff in support of the present application-IA.No.2, at this juncture, the Court is satisfied that the plaintiff has made out prima-facie case to grant exparte order of temporary injunction in this matter. The Court is also of the view that in view of the changed circumstances as pleaded and narrated by the plaintiff, a notice on this application would certainly defeat the ends of justice by way of delay and if the injunction is not granted at this stage, the purpose of filing this application and object of granting temporary injunction would be defeated. Taking into consideration all the above, I pass the following :

ORDER

Defendant, his agents and men or any person claiming under him are restrained by way of ad-interim temporary injunction from damaging the house No.2710/A situated in Sy.No.3742 measuring 00-04-02 situated at Kodibag Village, Karwar Taluk and also from changing any structure in any manner, till next date of hearing.

Plaintiff to comply under Order 39 Rule 3 CPC.

Call on hearing date and for appearance of defendant by 01-03-2025.

(Dictated to the Stenographer directly on computer, typed by him, corrected and then initialed by me and pronounced in the Open Court on the 21th day of February, 2025)

Sd/-
Addl. Senior Civil Judge,
Karwar.