

**ORDER ON IA No.II**

The present IA No.II is u/o 39 rule 1 and 2 filed by applicant/ plaintiff seeking ad-interim exparte Temporary Injunction restraining the defendant No.1, 2 and 12 from construction of any building in the suit schedule property and from creating charge, encumbrance, mortgaging over the suit schedule property.

In the affidavit, it is stated that the defendants have executed the agreement of sell, agreeing to sale the suit schedule property. But, after effecting the partition in the suit schedule property by virtue of order passed in F.D.P. No.01/2017 the defendant No.1 and 2 are trying to alienate the suit schedule property. Hence, prays to grant ad-interim or exparte TI order in favour of plaintiff.

Heard arguments and perused material records.

This is suit for Specific performance of contract and cancellation of sale deed. Hence, considering the reasons stated in the affidavit and to defeat the delay and to prevent the multiplicity of proceedings, I am of considering view that ad-interim exparte TI order is to be granted in favour of plaintiff till the appearance of the defendants before the Court.

Hence, I proceed to pass the following;

**ORDER**

The IA No.II u/o 39 rule 1 and 2 of CPC is hereby allowed.

The ad-interim exparte TI Order is granted in favour of plaintiff till the appearance of the defendants.

The Defendant No.1, 2 and 12 and their agents, servants or any person acting on her behalf are hereby restrained from construction of any building in the suit schedule property and from creating charge, encumbrance, mortgaging over the suit schedule property till the appearance defendants before the Court.

The plaintiff is directed to issue notice to defendant No.1, 2 and 12 through RPAD for compliance u/o 39 rule 3 of CPC.

Issue S/S to defendants.

Call On: 15-03-2024

*Sd/-*

*Senior Civil Judge, Bhatkal.*