

ORDER ON IA NO.I

The plaintiff / applicant has filed IA No.I under Order 39 rule 1 and 2 r/w Sec. 151 of CPC seeking exparte ad interim temporary injunction restraining the defendant from alienating the suit schedule property.

In the affidavit, it is stated that the defendant is the owner of the suit schedule property and she has executed agreement of sell in favour of plaintiff and now the defendant is under process to transfer the suit schedule property to third party.

Heard arguments and perused material records.

The present suit is one for relief of specific performance of contract. It is alleged that the defendant is entered into an agreement of sell in respect of suit schedule property in favour of plaintiff and now she is under process to alienate the suit property to third party. Hence, to defeat the delay and to prevent the multiplicity of proceedings and for the ends of equity and justice this Court is considered to view that the exparte ad-interim temporary injunction is to be granted infavour of plaintiff till appearance of defendant before the Court from alienating the suit schedule property. Hence, I proceed to pass the following;

ORDER

Acting under Order 39 Rule 3 of CPC, the Exparte ad-interim temporary injunction is granted infavour of plaintiff.

The defendant and any agent, servants or any person acting on behalf of defendant is hereby restrained from alienating the suit schedule property till appearance before the Court.

The plaintiff is directed to issue notice to defendant through RPAD for compliance under Order 39 Rule 3 of CPC.

Issue notice to defendant.

Call on: 09-09-2022.

Senior Civil Judge, Bhatkal