

Heard on I.A.No.II. Plaintiff has filed I.A. under Order XXXIX Rule 1 and 2 of C.P.C. praying this court to grant exparte temporary injunction against the defendant restraining all the persons claiming through or under him from selling and alienating the plaint 'A' schedule property till the disposal of the suit.

He submits in the affidavit that defendant has entered into an agreement for sale dated 19.07.2023 wherein the defendant has agreed to sell his under mentioned property suit at Kadekar Village, Udupi Taluk and District and copy of the sale agreement dated 19.07.2023 is being produced by the plaintiff and he is also paid the due consideration amount as advance for sum of Rs.10,00,000/- and the defendant had agreed to do all the requirements to get executed the registered sale deed in favour of plaintiff and plaintiff is always ready and willing to perform his part of contract and defendant is not showing any interest in complying the terms of the agreement and aggrieved by the act, notice was being issued and it returned stating unclaimed.

Now if at this stage the act of the defendant is not restrained then there is every likelihood of he selling the property to the other party which may give raise to multiplicity of litigation. Hence prays to issue exparte order in favour of him.

Perused the records wherein the title deed of the defendant he is produced, R.T.C. is produced, further the photostat copy of agreement of sale is being produced and

original also produced in respect of same. Therefore on perusal of the records of the case, this court is of the opinion that if at this stage the exparte order not issued in favour of the plaintiff, then if the property is alienated it would defeat the rights of the plaintiff. So therefore in the interest of justice this court proceed to pass the following:

ORDER

Exparte order stands issued. The defendant or anybody claiming through them is hereby restrained from alienating the suit schedule property till next date of hearing.

Plaintiff is strictly directed to comply the Order XXXIX Rule 3AB of C.P.C. Issue suit summons and emergent notice on I.A.No.II to the defendant.

Addl. Senior Civil Judge & A.C.J.M.
Udupi.