

The plaintiff has filed this suit against the defendant for specific performance of the Agreement dated 15.11.2023, contending that the defendant has executed an Agreement of Sale agreeing to sell the suit schedule property to the plaintiff for sale consideration of Rs.24 Lakhs and the defendant has received Rs.23 Lakhs as an advance, but in spite of several demands by the plaintiff, the defendant has not come forward to execute the Sale Deed.

The plaintiff has also filed an application Under Order XXXIX Rule 1 and 2 read with Section 151 of C.P.C to restrain the defendant from alienating the suit schedule property.

The learned counsel for the plaintiff has prayed for an order of ex parte temporary injunction against the defendant. Copies of the Sale Deed and Gift Deed produced by the plaintiff prima-facie shows that the defendant is the owner of the suit schedule property. The Agreement of Sale dated 15.11.2023 prima-facie shows that the defendant has executed an Agreement of Sale in favour of the plaintiff agreeing to sell the suit schedule property and received part sale consideration amount of Rs.23 Lakhs. The notice issued to the defendant by the plaintiff prima-facie shows that the

plaintiff is ready and willing to perform his part of agreement. In that event if exparte temporary injunction is nor granted and the defendant alienate the suit property, very purpose of the suit will be defeated by delay. Hence, I proceed to pass the following;

ORDER

The defendant is hereby restrained from alienating the suit schedule property.

This order will be in force till next date of hearing.

The plaintiff is directed to comply Order XXXIX Rule 3 (a) of C.P.C.

If the plaintiff fails to comply the above said order, in such event the above exparte order stands automatically canceled.

Office is directed to issue suit summons, notice on I.A. No.1 and exparte order of injunction to the defendant only if the plaintiff comply the Order XXXIX Rule 3 of C.P.C., R/by 18.09.2026.

(NANDEESHA.R.P.)

XXII ADDL. CITY CIVIL & SESSIONS
JUDGE, BENGALURU.