

Order below Exhibit-05

Ld. Advocate for the plaintiffs	Mr. N. H. Desai
Ld. Advocate for the defendant no.7	Mr. R. R. Patel
Ld. Advocate for the defendant no.8 to 11	Mr. P. P. Devmurari

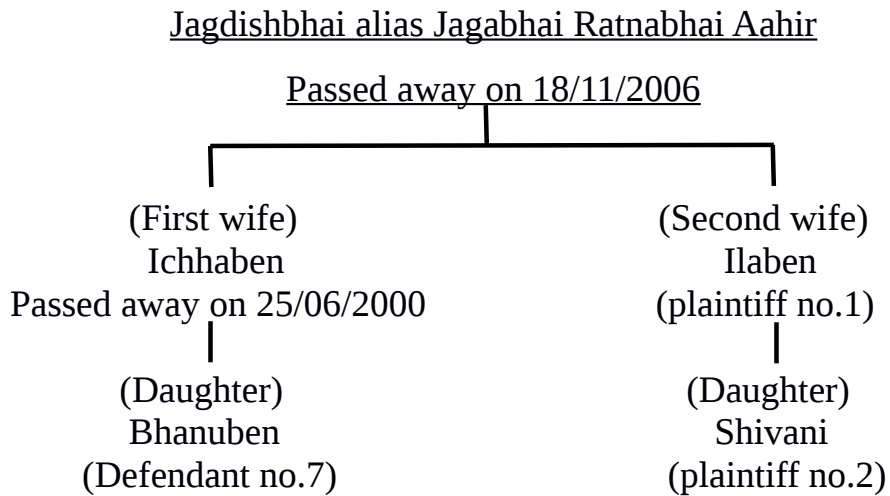
Read the injunction application along with the documents on record.

Heard Ld. Advocate for both the respective parties.

1. The plaintiff has filed the present application for injunction orders wherein it is submitted that the plaintiff no.1 is wife of deceased Jagdishbhai alias Jagabhai Ratnabhai Aahir and the plaintiff no.2 is daughter of Jagdishbhai alias Jagabhai Ratnabhai Aahir and Jagdishbhai alias Jagabhai Ratnabhai Aahir passed away on 18/11/2006 and the plaintiffs are direct legal heirs of the deceased. It is further submitted that Jagdishbhai alias Jagabhai Ratnabhai Aahir had first marriage with Ichhaben d/o Naranbhai Aahir and Ichhaben passed away on 25/06/2000 without will and after her demise the plaintiff no.1 got married to Jagdishbhai alias Jagabhai Ratnabhai Aahir on 27/04/2021. It is further submitted that the agricultural properties situated at Moje-Kaladara, Ta.-Vagra, Dist.-Bharuch having block no.278/1 admeasuring H. Aare. Sq. mtr. 9-86-22 aakar Rs.51-67 paisa of old tenure & block no.278/2 admeasuring H. Aare Sq. Mtr. 0-09-00 aakar Rs.0-47 paisa were originally owned and possessed by Shantilal Kalidas Shah and deceased Jagdishbhai alias Jagabhai Ratnabhai Aahir and they were self acquired properties in the year of 1995/1996 and at the time of purchase the name of deceased Jagdishbhai alias Jagabhai Ratnabhai Aahir was not registered as farmer and hence, for convenience the name of Ichhaben first wife of deceased Jagdishbhai alias Jagabhai Ratnabhai Aahir was entered and in the remaining half part, the name of

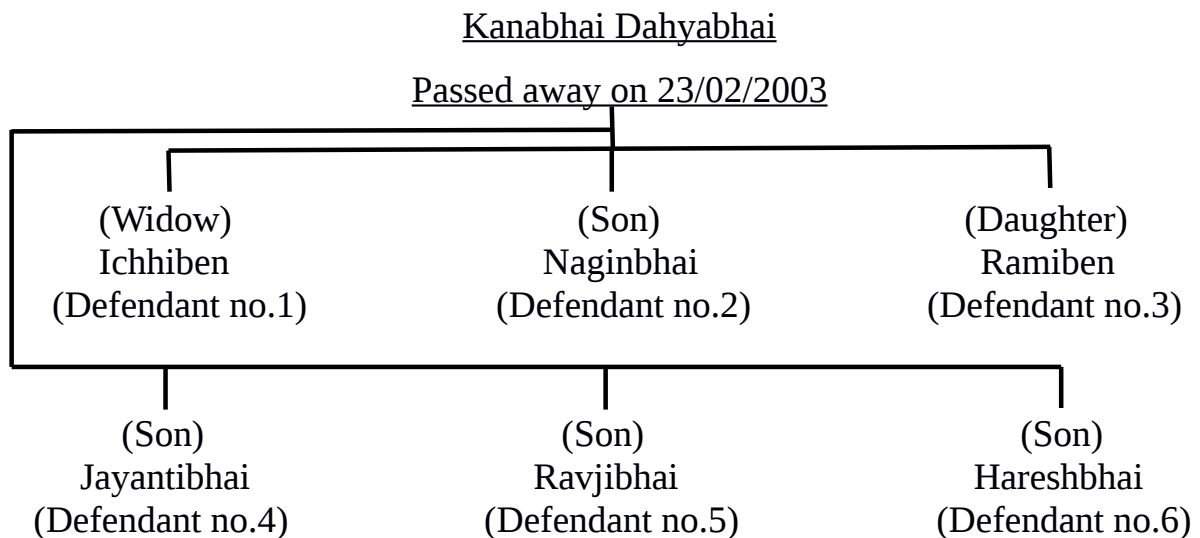
Kanabhai Dahyabhai was entered and the sale was entered through mutation entry no.3048 dated 05/08/1996. It is further submitted that Jagdishbhai and Ichhaben from the said wedlock had a daughter named Bhanuben (defendant no.7) and from the wedlock of Jagdishbhai and plaintiff no.1 had one daughter named Shivani (plaintiff no.2) and Jagdishbhai alias Jagabhai Ratnabhai Aahir passed away on 18/11/2006 without any will and his family pedigree is as under ;

Family pedigree



It is further submitted that Kanabhai Dahyabhai passed away without will on 23/02/2003 whose family pedigree is as under ;

Family pedigree



It is further submitted taht the plaintiff was married to Jagdishbhai alias jagabhai

Ratnabhai Aahir whose photographs and certificate of talati cum mantri has been produced and the plaintiff is residing at Andada, Ta.-Ankleshwas since the time of marriage with Jagdishbhai alias jagabhai Ratnabhai Aahir, the plaintiff has ration card and voter identity card which have also been produced. It is also submitted that the first wife of Jagdishbhai alias jagabhai Ratnabhai Aahir during her lifetime did not do any job or business and was only housewife and had no source of income and Jagdishbhai alias jagabhai Ratnabhai Aahir and Kanabhai Dahyabhai in the year of 1995/1996 bought the suit properties by paying half share each and Kanabhai Dahyabhai was registered farmer. It is further submitted that after the demise of first wife of Jagdishbhai alias jagabhai Ratnabhai Aahir named Ichhaben on 25/06/2000, the plaintiff was married to Jagdishbhai alias jagabhai Ratnabhai Aahir and hence, the plaintiffs have right and share in the suit properties of Jagdishbhai alias jagabhai Ratnabhai Aahir and after the demise of Ichhaben, the name of defendant no.7 Bhanuben and deceased Jagdishbhai alias jagabhai Ratnabhai Aahir was entered through mutation entry no.3343. It is also submitted that the plaintiffs sent notice to the defendants for entering the name of plaintiff in the suit properties for which neither the defendants replied nor complied. It is further submitted that the names of defendants are currently running in the revenue records and they are in collusion with each other and hence, the defendants have mala fide intentions of destroying the undivided share of the plaintiffs in the suit properties and are trying to transfer it to third parties and hence, the plaintiffs does not want to keep their share with the defendant and, therefore, a decree is required to be passed for plaintiffs' share. It is further submitted taht the suit properties have not been partitioned till today and as per the legal principle, the possession of one co-possessor is considered as possession of all co-possessors and hence, the plaintiffs have right and share in the suit properties and the defendants have been taking the amount of produce and not pay any money to the plaintiff but even then the plaintiffs did not ask for any reliefs with respect to the amount of produce but now a decree is required to be passed for payment of amount of produce from

the date of filing of the suit.

2. It is also submitted that the defendant nos.1 to 7 and defendant nos.8 & 9 are in collusion with each other and the defendant nos.1 to 7 executed registered sale deed in favour of defendant nos.8 & 9 on 18/05/2012 which was registered before sub-registrar, Vagra vide serial no.1957 dated 18/05/2012 about which the plaintiffs came to know on 18/10/2012 after getting copies of village form no.7/12 & form no.6. It is further submitted that the plaintiffs had share and right in the suit properties and the defendant nos.1 to 7 had no right to transfer, mortgage or assign the suit properties and under these circumstances, the defendant nos.8 & 9 does not become owner through registered sale deed. It is further submitted that after filing the suit, the plaintiffs also published lis pendency notice as per Section 52 of the Transfer of Properties Act in daily newspaper on 27/07/2001 and the said notice was entered before sub-registrar, Vagra vide serial no.1829 and hence, the defendant nos.8 & 9 are not bona fide purchasers. It is also submitted that under these circumstances, the said document executed in favour of defendant nos.8 & 9 on 18/05/2012 is ab initio, null and void and not binding upon the plaintiffs and a decree is required to be passed for setting aside the document and if the said decree is passed then the defendant nos.8 & 9 will not suffer any loss or prejudice. It is also submitted that the defendant nos.8 & 9 did not file written statement for long time and hence, the right was closed and thereafter they filed written statement on 03/11/2015 but its copy was not given to plaintiff or the counsel and hence, the plaintiffs were unaware of the written statement but the plaintiff after knowing about it accepted the reply and from the written statement the plaintiffs came to know that the identity of the suit properties have been mutated and they got the suit properties converted into non agricultural residential plot and as per the schedule 1 to 4, a total of 337 plots were made and the plaintiffs also came to know that the plots mentioned in schedule 1 to 3 have been transferred to defendant nos.10 & 11 from the revenue records of the plots and the defendant nos.8 & 9 transferred the plots through three different registered sale deeds dated 28/03/2012 and the said

documents were registered at sub-registrar office, Vagra vide serial nos.1474, 1475 & 1476. It is also submitted that the plaintiffs through K. R. Chauhan on 24/05/2018 came to know that the plots in schedule 4 are in the name of defendant nos.8 & 9 and the defendant nos.8 to 11 in collusion with each other for making the suit of the plaintiffs baseless with mala fide intentions, defendant nos.8 & 9 transferred the suit properties to defendant nos.10 & 11 on 28/03/2014 for which the defendants did not had any right and the defendant nos.10 & 11 through false registered sale deed have illegal possession of the suit properties for which a decree is required to be passed and all the three registered sale deeds requires to be considered null & void and if the said decree is drawn then the defendant nos.10 & 11 will not suffer any loss or prejudice. It is further submitted that the suit properties were self acquired properties of deceased Jagdishbhai alias jagabhai Ratnabhai Aahir and the plaintiffs are direct legal heirs of Jagdishbhai alias jagabhai Ratnabhai Aahir and hence, the plaintiffs have undivided legal right and share over the suit properties, the plaintiffs have prima facie case, the defendants are in collusion with each other and are trying to destroy the undivided right and share of the plaintiffs in the suit properties and the defendants have no right to transfer, mortgage or assign the suit properties to any third parties and if the injunction orders are not passed, then the plaintiffs will loose their legal right as well as will have to involve in multiple suits which will take years from which the plaintiffs will have to suffer loss which cannot be compensated in terms of money whereas the injunction orders will not incur any loss or prejudice over the defendants and the balance of convenience is also in favour of the plaintiffs and hence, for the injunction orders with respect to the suit properties, the present injunction application is filed. The plaintiffs have mentioned the details of suit properties in the injunction application vide schedule 1 to 4. The plaintiffs in relief sought that an injunction order be passed stating that the identity mutation done by defendant nos.8 & 9 in the suit properties converting it to non-agricultural and making of 337 plots as per schedule 1 to 4 wherein plots of schedule no.1 to 3

were executed in favour of defendant nos.10 & 11 through three different registered sale deeds dated 28/03/2014 and the plots mentioned in schedule no.4 are in the name of defendant no.8 & 9, the defendant nos.8 & 9 shall not either by themselves, agents, servants transfer or mortgage or assign or execute agreements of the plots/lands to any third parties and shall not do any act which creates right of third parties as well as shall not do any kind of construction or development and shall not take any permission from any office and shall not take any essential services of electricity, etc., for which a decree shall be drawn in favour of plaintiffs against defendant nos.8 & 9. The other relief which the plaintiffs sought is a decree be drawn stating that the identity mutation done by defendant nos.8 & 9 in the suit properties converting it to non-agricultural and making of 337 plots as per schedule 1 to 4 wherein plots of schedule no.1 to 3 were executed in favour of defendant nos.10 & 11 through three different registered sale deeds dated 28/03/2014 and on the basis of registered sale deed the defendant nos.10 & 11 either by themselves, or through personnel, agents, servants shall not transfer, mortgage, assign to any third parties and shall not do any act which would create any right of the third party and shall not do any construction or development over the suit properties mentioned in schedule 1 to 3 and shall not take any permission from any office, and shall not take any essential services such as electricity, etc., for which a decree be drawn in favour of plaintiffs against defendant nos.10 & 11 and prayed that any other order which may be deemed proper by the Hon'ble Court be granted.

3. The plaintiffs have filed injunction application against the defendant nos.8 & 9 wherein it is submitted that the facts of the plaintiff, the defendant submitted that the agricultural properties situated at Moje-Kaladara, Ta.-Vagra, Dist.-Bharuch having block no.278/1 admeasuring H. Aare. Sq. mtr. 9-86-22 aakar Rs.51-67 paisa of old tenure & block no.278/2 admeasuring H. Aare Sq. Mtr. 0-09-00 aakar Rs.0-47 paisa and for its partition and declaration and injunction orders the present suit is filed. It is further submitted that the defendant nos.1 to 7 during the pendency of

the suit transferred the suit properties to defendant nos.8 & 9 through registered sale deed. It is further submitted that the plaintiffs as per the Section 52 of the Transfer of Properties Act on 20/07/2011 got the notice of lis pendency registered before sub-registrar which was entered in book no.1 through serial no.1829 dated 26/07/2011 for which documentary evidence has been produced and the above mentioned facts being true, the defendants during the pendency of the suit executed in favour of defendant nos.8 & 9 and hence, the present application is filed for injunction orders against the defendant nos.8 & 9. It is further submitted that the plaintiffs are co-owners of the suit properties and under these circumstances, the plaintiffs have prima facie case. It is also submitted that the documents of the suit properties were executed in favour of defendant nos.8 & 9 by defendant nos.1 to 7 and on the basis of the said registered sale deed, if the defendant nos.8 & 9 shall transfer, mortgage or assign or start development by taking permissions from any office or mutation in the identity of the suit properties then the plaintiffs' valuable rights will be destroyed which cannot be compensated in terms of money and the balance of convenience is also in favour of plaintiffs and to stop the multiplicity of proceedings, injunction orders are required to stop the defendant nos.8 & 9 from doing so for which the present injunction application is filed. The plaintiffs in reliefs sought that the defendant nos.8 & 9 either by themselves or through personnel, agents, servants shall not transfer, mortgage, assign the suit properties or its any part bearing block no.278/1 admeasuring H.Aare. Sq. Mtr. 9-86-22 aakar Rs.51.67 paisa and block no.278/2 admeasuring H.Aare. Sq. Mtr. 0-09-00 aakar Rs.0.47 paisa of village Kaladara, Ta.-Vagra whose documents were executed on 18/05/2012 to any third parties or shall not do any act which creates right of any third parties and shall not do any construction or development and shall not take any permission from any office for which a decree be drawn in favour of plaintiffs against defendant nos.8 & 9, cost of the application and any other reliefs which the Hon'ble Court may deem proper be granted.

4. The defendant no.7 appeared before the Court and filed written statement vide Exh.-18 wherein while denying the facts of plaintiffs, it is submitted that the said suit properties are not ancestral, the suit is barred by non-joinder and mis-joinder of parties, barred by limitation and hence, the injunction application and suit are not maintainable. It is further submitted that the true facts are the suit properties mentioned by the plaintiff was bought jointly by defendant no.7 Bhanuben's mother named Ichhaben Naranbhai Aahir and deceased Kanabhai Dahyabhai Aahir in the year 1995 for Rs.90,000/- through registered sale deed from Shantilal Kalidas Shah and the said properties were self acquired properties of defendant Bhanuben's mother and was given by her maternal house as help and hence was kept jointly and its sale entry was done on 05/08/1996 vide mutation entry no.3048 and the mother of defendant passed away on 25/06/2000 and defendant's father passed away on 18/11/2006 and no suit was filed for rights till they were alive. It is further submitted that after the demise of defendant's mother named Ichhaben on 25/06/2000, the defendant no.7 was sole heir and hence, the name of defendant was entered however, along with it, her father's name Jagdishbhai was also falsely entered by talati for which appeal was filed before Dy. Collector having Hakap appeal no.71/2007 which was rejected and revision was filed before Collector, Bharuch vide Hakpatrak Re.No.26/2008 which was allowed and declared that the name of husband cannot be entered as heir of wife and ordered for mutating the name of deceased Jagdishbhai from mutation entry no.3343 and hence, the defendant was the only owner of the suit properties and the defendant has possession of the suit properties and the plaintiffs have nothing to do with it. It is further submitted that the plaintiffs have pleaded of doing marriage on 27/04/2001 and the documents of properties were executed in 1995 and hence, the plaintiffs could not have information of the registered sale deed and the plaintiff is in the say of many enemies and hence, filed the suit after five years of the death of Jagdishbhai on 18/11/2006. Further, the plaintiffs have sought the relief of partitions and handing over the possession which proves that the plaintiffs have no

prima facie case and do not have possession. Further, as per the Benami Transaction Act's provisions the person on whose name the property is bought is the actual owner of the property and as per the provisions of Gujarat Tenancy Act, Section 63, a non-registered farmer cannot buy agricultural land from farmer and the deceased Jagdishbhai was not a farmer and had no right of buying it and the provisions of law cannot be breached in private and the plaintiffs were well aware of this fact but as the Vagra taluka has been declared as SEZ by the Government, and the prices have been hiked, the intentions of the plaintiffs have become mala fide and wants to extract money from the defendants and hence, the present suit and injunction application are not maintainable.

The defendant nos.8 & 9 against the present application filed written statement wherein it is submitted that the suit properties mentioned in the plaint were of joint ownership of defendant nos.1 & 2, 4 to 7 and they had possession of the suit properties and they wanted to sell the suit properties and the defendant nos.8 & 9 inquired about the suit properties and they came to know that the block no.278 was received to Shantilal Kalidas Shah through family partition whose entry was made in hakkpatrak entry no.2198 dated 01/04/1972 and the Shantilal Kalidas sold the suit properties to Kanabhai Dahyabhai Aahir & Ichhaben Naranbhai Aahir and as per the copy of sub-registrar office, the names of the said buyers was entered in village form no.6 vide mutation entry no.3048 dated 05/08/1996 and certified. It is further submitted that after the demise of Kanabhai Dahyabhai, names of his heirs defendant nos.1 to 6 were entered through inheritance entry no.3331 dated 17/07/2003 and out of the said heirs, his daughter named Ramiben Kanabhai defendant no.3 waived of her right and the name was mutated vide entry no.3332 on the same day and both entries were certified. It is further submitted that they came to know that the said lands were received by Ichhaben Naranbhai Aahir from her father and at that time, Ichhaben was living separately from her husband and hence, no one has right or share in the suit properties and Ichhaben Naranbhai Aahir passed away on 25/06/2000 and her heir

named Bhanuben became her only heir which was accepted by her father named Jagdishbhai and at that time no suit for right was filed and after that in the inheritance entry no.3343 dated 03/09/2003, the name of Jagdishbhai was entered along with the defendant no.7 by the talati without any inquiry or verification and the defendant no.7 for mutating the name of her father, filed R.T.S. appeal before Dy. Collector, Bharuch which was rejected and revision was filed before Collector, Bharuch which was allowed and the named of Jagdishbhai from heirs of Ichhaben Naranbhai Aahir was mutated which was entered through entry no.3765 dated 16/02/2009 and after that, Jagdishbhai did not file any revision or appeal. It is further submitted that canal was to be passed through survey no.278 and it became in two parts but its entry was not done in records and hence, District Inspector, District Land Record Office, Bharuch vide letter no.DRK/Chh.V./Amalvashi/114/05-06 dated 30/11/2005 letter no.24 gave separate block nos.278/1 & 278/2 which was entered in village form no.6 vide entry no.3486 dated 18/02/2007 and in this way the defendants came to know about the details of lands and farmers. It is further submitted that after the inquiry and verification, the said lands were sold on 29/04/2011 and the defendant nos.1 & 2 and 4 to 7 accepted the amount of consideration and handed over the possession of the suit properties and the registered sale deed was executed on 18/05/2012 registered at sub-registrar office, Vagra vide serial no.1957 and since then the defendant nos.8 & 9 became the owner and possessor of the suit properties. It is further submitted that for the development of residential purpose, the defendants sought permission of converting the suit properties into non agricultural which was allowed and Collector, Bharuch passed order no.Bhumi/B.Khe./Vashi/4660 dated 03/09/2012 and the Additional Commission City, GPCPSIRD, Gandhinagar gave permission for construction of residential plots and a total of 337 plots were made and maximum plots have been sold and possession has been handed over and those who have paid consideration amount, the sale deed of documents have also been done and as the properties are not for agricultural purpose, by the order no.KJP of

District Inspector Land Record, Bharuch, all the plots have been registered at village office vide entry no.4408, 4409, 4410, 4411, 4412 and 4413 dated 26/08/2013. It is also submitted that the defendants are bona fide purchaser of the suit properties with valuable consideration without notice and the people have become owner of the plot which is well known, but even then the plaintiffs fabricated the facts and filed the suit before the Hon'ble Court and are falsely trying to establish rights over the suit properties, the plaintiffs have concealed the facts, the intentions of the plaintiffs are mala fide and if the reliefs are granted then the plaintiffs and their likewise will succeed in their mala fide intentions, the suit of the plaintiffs is false, illegal, frivolous and vexatious and hence, is not maintainable and shall be dismissed.

The defendant nos.10 & 11 filed written statement while denying the facts of plaintiffs submitted that the suit properties was of ownership of defendant nos.8 & 9 and they constructed plots on the said lands, Collector, Bharuch gave permission for non agricultural and permission for residential plots was given by Assistant Town Planner, GPCPSIRD, Gandhinagar, and the permitted plan was allotted in A to D parts for which the District Land Record Officer passed order KJP and Hakkpatrak had entry nos.4408, 4409, 4410, 4411, 4412 & 4413 dated 26/08/2013 and the defendant nos.8 & 9 done full verification for selling these plots. It is further submitted that the defendant no.10 sold plot nos.B/1 to B/35 a total of 35 plots in the year of 2012 and Registered sale deed was also executed which was registered in the office of sub-registrar, Vagra vide serial no.1476 dated 03/04/2014 and on that basis, mutation entry no.4486 dated 06/04/2014 was done and it was certified on 12/08/2014. It is further submitted that defendant no.11 sold C/1 to C/14, C/47 to C/62 and C/73 to C/84 total 44 plot in the year of 2012 and Registered sale deed was also executed which was registered in the office of sub-registrar, Vagra vide serial no.1474 dated 03/04/2014 and on that basis, mutation entry no.4488 dated 06/04/2014 was done and it was certified on 12/08/2014 and in the same way the defendant nos.10 & 11 jointly sold total 29 plots in the year

2012 which was which was registered in the office of sub-registrar, Vagra vide serial no.1475 dated 03/04/2014 and on that basis, mutation entry no.4491 dated 22/05/2014 was done and it was certified on 12/08/2014 and from that time, the defendant nos.10 & 11 have become owner of total 109 plots and many plots have been sold to Anupkumar Jain and Sunil Kumar by defendant nos.8 & 9. It is further submitted that the defendants are bona fide purchaser with valuable consideration without notice from which the plaintiffs are well aware but even then the plaintiffs are committing fraud by misleading the Court and the suit of the plaintiffs is false, illegal, frivolous and vexatious and hence, is not maintainable and shall be dismissed.

5. In view of the averments by the plaintiff side, following points arise for my determination under the present application.

- (i) Whether the plaintiffs prove that they have a prima facie case ?
- (ii) Whether the plaintiffs prove that balance of convenience is in their favour ?
- (iii) Whether the plaintiffs prove that there is irreparable loss likely to be caused upon the plaintiffs if injunction order is not granted ?
- (iv) What order and relief ?

My findings thereon are as under ;

- (i) In Negative.
- (ii) In Negative.
- (iii) In Negative.
- (iv) As per Final Order.

Reasons:-

As all the points for determination of the present application are interconnected & co-related with each other, hence for the sake of brevity and

convenience and for avoiding repetition of facts they are here discussed jointly.

Read the application as well as perused the records of the suit.

As the plaintiffs have sought injunction orders with respect to the suit property during the pendency of the suit, it is apposite to discuss general principles of granting and non-granting of the interim injunction application. There are three basic principles for granting or refusing to grant temporary injunction i.e., prima facie case in favour of the party seeking injunction, Balance of convenience in favour of such person and lastly there must be an irreparable loss which are likely to be caused to party if injunction is not granted to such person. Thus, an injunction being an equitable relief and is always at the discretion of the court. However, such discretion must be based on sound judicial principles and guided by rules of Equity and the peculiar facts and circumstances of the case. In addition to these three basic principles for granting or refusing to grant injunction, the conduct of the party seeking injunction should also be taken in to consideration because the granting of injunction is an equitable relief and is drastic or serious order and there are two basic maxims of equity which are important to be considered at the time of deciding injunction application which are "He who seeks equity must do equity" and "He who seeks equity must come with clean hands".

Keeping in mind the above settled legal position and considering the same in light of the facts of the present case, it seems that the plaintiff has categorically averred that the plaintiffs have undivided right and share in the suit properties and the defendants are trying to destroy the rights of the plaintiff over the suit properties. It is also averred by the plaintiff no.1 that the suit properties were self acquired properties of husband of plaintiff no.1 and hence, the plaintiffs being the direct legal heirs of the deceased Jagdishbhai, they have undivided right and share over the suit properties. Now, looking to the documentary evidences produced on record by the plaintiff vide mark 3/1 and 3/13, on perusal of the documentary evidence produced vide mark 3/4 which is village form no.6, it seems that the suit property was bought by Kanabhai

Dahyabhai Aahir and Ichhaben Naranbhai Aahir w/o Jagdishbhai Ratnabhai Aahir. Further, it is the contention of the plaintiffs that the suit property was self acquired property of husband of plaintiff no.1 however, there has been no documentary evidence produced on record which could substantiate the facts of plaintiffs that the husband of plaintiff no.1 had bought the said suit properties by paying half share of the amount of suit properties. Further, the plaintiff has placed reliance upon the provisions of The Benami Transaction (prohibition) Act, 1988 Section 3(1) (a) and judgment 2009 (0) GLHEL SC 47897 and this Court fully agrees with the view of settled principle of law as well as the view of the Hon'ble Court however, the plaintiff has not averred in the pleadings about benami transactions and has not produced any document on record to prove the said transactions are benami. Further, with respect to the judgment produced by the plaintiff and considering the facts of the present case the revenue records does not bears the name of the plaintiff and there is no registered sale deed produced on record by the plaintiff which could show that the suit properties were bought by her husband, further, on the contrary, the defendant no.7 has alleged that the suit properties were self acquired properties of mother of defendant no.7 and after her demise the names of heirs of Ichhaben were entered however, the talati falsely entered the name of husband of deceased along with the defendant no.7 for which the defendant no.7 had filed appeal before Dy. Collector which was rejected and again filed revision before Collector, Bharuch who allowed the appeal stating that the name of husband cannot be entered as heir and ordered for mutating the name of husband of Ichhaben and father of defendant no.7 named Jagdishbhai. Further, the plaintiff has produced a registered sale deed vide mark 76/1 and on perusal of the same, it seems that the suit properties bearing block no.278 was bought by Kanabhai Dahyabhai Aahir & Ichhaben Naranbhai Aahir which mentions that Ichhaben as w/o Jagdishbhai Ratnabhai Aahir however, the said mentioning does not makes the deceased husband of plaintiff the owner of the suit properties. Further, the plaintiff has only produced revenue records of the suit properties but the plaintiff has not established the facts that the suit properties were self acquired suit properties

of her husband and the arguments of Ld. Advocate for the defendants seems quite acceptable one that the plaintiff has no prima facie case and the balance of convenience is also not in favour of plaintiff and there is no irreparable loss likely to be caused upon the plaintiffs if the injunction orders is not granted. It seems that the plaintiffs have failed to prove the the three basic elements of granting the injunction application.

In view of the above factual matrix and discussion, it seems that the plaintiffs have failed to prove the three elements for granting injunction order in thier favour. Hence, I answer point of determination nos.1 to 3 as In Negative and for that I pass following Final Order under point no.4.

- : Final Order : -

1. The present injunction applications of plaintiff vide Exh.-05 and against defendant nos.8 & 9 is hereby Rejected.
2. No order as to costs.

Pronounced & signed today in open court on this 18th day of September, 2024.

Date :- 18/09/2024
Place:- Vagra

(R. C. Sodhaparmar)
Principal Senior Civil Judge
Vagra
UIC : GJ01158