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ORDER BELOW EXH. 5 & 63

The application at Exj. 5 is filed by the plaintiffs and application at Exh. 63 is filed by the defendants under Order 39, Rule 1 and 2 read with Section 94 and Section 151 of the Code of Civil Procedure to restrain each others from making any encroachment, development or construction or alienating the suit property.

2. Perused the applications and reply in form of Written Statement of defendants at Exh.18 vide pursis Exh. 19 and reply of plaintiff on Exh. 63 vide Exh. 64. Heard both sides.

3. The suit is for declaration and injunction. It is the contention of the plaintiffs that Anjanabai Vishunupant Parate executed power of attorney in favour of defendant No. 2 for selling 18R of padit land from out of survey No. 23 of mouza Navsari pragane Nandgaon Peth which is bounded as towards East field of Makalsing Navsariwale, towards West field of Sarladevi Sikchi towards North 200 meter ring road and towards south field of Yadav. The defendant No. 2 by showing herself to be power of attorney of Anjababai Parate executed sale deed dated 13/08/2015 and sold 10010 sq.ft (930.29sq.mt) of land to defendant No. 1 from out of survey NO. 23 of mouza Navsari pragane Nandgaon peth which was shown to be bounded as towards East field of Makalsing Navasariwale towards West field of Sarladevi Sikchi towards North field of Yadav and towards South 200 meter Ring road.



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4. The sale deed dated 13/08/2015 was executed by defendant No. 2 is void ab-initio as the area of padit land of 18R is mentioned in the power of attorney dated 27/04/2006 with a specific boundaries while on the basis of said power of attorney the sale deed dated 13/08/2015 has been executed by defendant No. 2 in favour of defendant No. 1 by showing different boundaries. The defendant No. 1 changed the said boundaries with intention to grab fraudulently the property of Saraladevi Sikchi who sold her property to plaintiffs. Neither Sarladevi Sikchi nor plaintiffs had knowledge till 14/09/2021 when plaintiffs took out certified copy of 7/12th extract on 14/09/2021.

5. It is the further contention of the plaintiff that Anjamnabai Parate died on 02/12/2015. Hence, the power of attorney dated 27/04/2006 came to an end by virtue of death of Anajanabai. The defendant No. 2 executed sale deed dated 13/07/2020 in respect of OH8.70R from out of survey No. 23/1 of mouza Navsari in favour of defendant No. 1 inspite of death of Anjanabai Parate on 02/12/2015, on the basis of said power of attorney. Hence the sale deed dated 13/07/2020 is also void ab-initio.

6. It is the further contention of plaintiff that vide two sale deeds dated 13/02/2020 at Sr. NO. 419 and 420 Sarladevi Sikchi sold 26R land shown by letters ABCDA and 26R land shown by letters FGHIF from out of survey No.23 of mouza Navsari in favour of Pravin Maloo. Sarladevi Sikchi sold 49R land out of survey No.23 of mouza Navsari in



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favour of plaintiff No. 2 and 3 shown by letters EFLJE in the plaint map vide sale deed dated 21/12/2020. Accordingly plaintiffs No. 1 to 3 together are owners and in possession of $26R + 26R + 49R = 1H.01R$ of land under two sale deed dated 13/02/2020 and sale deed dated 21/12/2020.

7. The plaintiffs pleaded that the defendant No. 1 and 2 by playing fraud and acting in collusion with Patwari by showing the portkharab land of Sarladevi Sikchi as 36R in 7/12th extract when in fact the potkharab land was only 31R and 5R land was shown in the road which was in fact grabbed by the defendant No. 1. The present suit is filed in the respect of land admeasuring 10010sq.ft. (0H.9.3R) + 0H.0.8.70R = 0H.18R out of survey No. 23 situated at Mouza Navsari Pragane Nandgaon Peth Tq. Dist Amravati the four boundaries of which are mentioned in the power of attorney dated 27/04/2006, sale deed dated 13/08/2015 and sale deed dated 13/07/2020 (Hereinafter referred to as suit land).

8. It is their further contention that the original owner Anjanabai Parate has not received any consideration under the sale deed dated 13/08/2015 and 13/07/2020. The defendant No. 1 and 2 have committed an offence of cheating, fraud and criminal breach of trust for which complaint has been lodged to the police. The defendant No. 1 by taking advantage of about fraud is trying to encroach upon the land of plaintiffs and trying to make layout by showing the suit land as



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the land of defendant No. 1. Therefore the plaintiffs have prima facie case and in case injunction is not granted plaintiffs would suffer irreparable loss and balance of convenience is in favour of plaintiff. Hence this application.

9. The defendants by filing pursis at Exh. 19 submitted that the written statement filed by them at Exh. 18 be considered as their reply to Exh. 5. In the written statement and in the application at Exh. 63 the defendants have denied all the adverse contention made against them in the application below Exh.5. The defendants have admitted the sale deed dated 13/08/2015, the power of attorney as bharana taba pawati executed by Anjanabai Parate. Total amount of consideration was paid to late Anjanabai Parate against the purchase of 0H18R land on 27/04/2006. However because of some technical official difficulties registered sale deed could not be executed therefore power of attorney was executed in favour of defendant No. 2 with due understanding thereby total rights of the said land were given to defendant No. 2. Therefore defendant No. 2 has every right to execute sale deed dated 13/08/2015 in favour of defendant No.1. The power of attorney dated 27/06/2006 was for 0H.18R land which is divided into 2 parts. The sale deed dated 13/08/2015 is only for half northern portion which is admeasuring 0H.9.3R having different boundaries in power of attorney and sale deed. The plaintiff by misinterpreting the factual position, making false and unfounded allegations against the defendants. The defendants have never played fraud of any nature over anybody. After



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the death of Anjanabai Parate on 02/12/2015 the legal heirs of late Anjanabai Parate have executed agreements on 23/03/2016 and on 29/09/2020 and consented what transaction held in between the husband of late Anjanabai Parate and the defendants. The plaintiffs have no locus standi to file the present suit against the defendant. The property purchased by the plaintiff is altogether different from the land OH18R. The plaintiffs have encroached on area admeasuring about 15feet x 170feet out of land which is towards Southern side admeasuring about OH8.7R. When the defendants requested the plaintiff to remove said encroachment, the plaintiffs without removing by encroachment have filed present suit by making false submissions. The plaintiffs have suppressed materials facts and not come to the court with clean hands. Hence application liable to be rejected.

10. After going through rival arguments, application, reply and documents on record, following points arise for my determination and I have recorded my findings thereon with reasons mentioned below;

<u>SR.NO.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1)	Whether plaintiff has made out <i>prima facie</i> case for grant of injunction?	Order accordingly.
2)	Whether balance of convenience lies in favour of plaintiff?	Order accordingly.
3)	Whether plaintiff will suffer an irreparable loss or injury if injunction is refused?	Order accordingly.



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4)	What order?	As per final order.
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AS TO POINT NOS. 1 TO 3:-

11. The plaintiffs have filed documents, Xerox copy of sale deed dated 04/06/1986 and 20/03/1986, Xerox copy of power of attorney dated 27/04/2006, sale deed dated 13/08/2015, death certificated of Anjanabai Parate dated 02/12/2015, two sale deeds dated 13/02/2020, 13/07/2021 and 21/12/2020, measurement sheet dated 09/01/2020, gao namuna and gav namua 7/12 14/09/2021.

12. The Court Commissioner i.e. Taluka Inspector Land Record office Amravati was appointed as Commissioner to measure the whole survey number 23 at village Navsari. His report is on record at Exh. 38. However, the defendants have objected the said report.

13. The learned advocate for the plaintiff filed written notes of argument at Exh. 87 and relied upon the following judgments in support of his submissions.

- 1] Zarina Siddhiqui Vs. A. Ramalingam (2015)1SCC705
- 2] S. P. Chengalvaraya Naidu (Dead) by LRs Vs.
Jagannath (Dead) by LRs & Others(1994)1SCC1
- 3] A. V. Papayya Sastry & Others Vs. Govt. of A. P. &



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Others (2007) 4SCC 221

- 4] Meghmala & Others Vs. G. Narasimha Reddy & Others (2010) 8SCC 383
- 5] Rame Gowda (Dead) by LRs Vs. M. Varadappa Naidu (Dead) by LRs & Another (2004) 1 SCC 769
- 6] Anathula Sudhakar Vs. P. Buchi Reddy (Dead) by LRs & Others (2008) 4SCC 594
- 7] Dalpat Kumar & Another Vs. Pralhad Singh & Others (1994) 1SCC 719
- 8] Julien Educaitonal Trust Vs. Sourendar Kumar Roy & Others (2010) 1SCC 379
- 9] Konjjengbam Babudhom Singh Vs. Hemam Romonyaima Singh AIR 1962 Manipur 18
- 10] Maharashtra Jeevan Pradhikaran & Another Vs. Lark Construction Pvt. Ltd. (2005) 1 Mah LJ 953/AIR 2005 Bom 161
- 11] Indu Bala Bose & Others (Smt) Vs. Manindra Chandra Bose and Another (1982) 1SCC 20
- 12] Ram Piari Vs. Bhagwant & Others (1990) 3SCC 364
- 13] Kavita Kanwar Vs. Pamela Mhta & Others (2021) 11SCC 209.



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14. The learned advocate for the defendants have relied upon the judgments of P. Sheshareddy (D) Rep. By His Lr. Cum Irrevocable Gpa Holder and Assignee Kotamreddy Kodandarami Vs. State of Karnanataka and others, in 2022 DGLS (SC) 1517.

15. I have perused all the cited judgments produced by both the parties.

16. In the case of **Zarina Siddhiqui (supra)**, the Hon'ble Apex Court held that,

24. It is well settled that remedy for specific performance is an equitable remedy. The court while granting decree of specific performance exercises its discretionary jurisdiction. Section 20 of the Specific Relief Act specifically provides that the Court's discretion to grant decree of specific performance is discretionary but not arbitrary. Discretion must be exercised in accordance with sound and reasonable judicial principles".

17. In the case of **S. P. Chengalvaraya Naidu by Lrs (supra)**, the Hon'ble Apex Court held that,

"1.The Judgment of the Court was delivered by KULDIP SINGH, J.- "Fraud avoids all judicial acts, ecclesiastical or temporal" observed Chief Justice Edward Coke of England about three



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centuries ago. It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and non est in the eyes of law. Such a judgment/decre by the first court or by the highest court has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings.”

18. In the case of **A. V. Papayya Sastry & Others (supra)**, the Hon’ble Apex Court held that para,

22. It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the court, tribunal or authority is a nullity and non est in the eye of the law. Such a judgment, decree or order-by the first court or by the final court- has to be treated as nullity by every court, superior or inferior. It can be challenged in any court, at any time, in appeal, revision, writ or even in collateral proceedings.

19. In the case of **Meghmala & Others (supra)**, the Hon’ble Apex Court held that,

28. It is settled proposition of law that where an applicant gets an order/office by making misrepresentation or playing fraud upon the competent authority, such order cannot be sustained in the eye of the law. "Fraud avoids all judicial acts, ecclesiastical or temporal." (Vide S.P. Chengalvaraya Naidu v. Jagannath 13.) In



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Lazarus Estates Ltd. v. Beasley the Court observed without equivocation that: (QB p. 712) "No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything."

20. In the case of **Rame Gowda (Dead) by LRs** (supra), the Hon'ble Apex Court held that,

9. It is the settled possession or effective possession of a person without title which would entitle him to protect his possession even as against the true owner. The concept of settled possession and the right of the possessor to protect his possession against the owner has come to be settled by a catena of decisions. Illustratively, we may refer to Munshi Ram v. Delhi Admn.², Puran Singh v. State of Punjab Ram Rattan v. State of U.P.¹¹ The authorities and need not be multiplied. In Munshi Ram case it was held that no one, including the true owner, has a right to dispossess the trespasser by force if the trespasser is in settled possession of the land and in such a case unless he is evicted in the due course of law, he is entitled to defend his possession even against the rightful owner. But merely stray or even intermittent acts of trespass do not give such a right against the true owner. The possession which a trespasser is entitled to defend against the rightful owner must be settled possession, extending over a sufficiently long period of time and acquiesced to by the true



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owner. A casual act of possession would not have the effect of interrupting the possession of the rightful owner. The rightful owner may re-enter and force than is reinstate himself provided he does not use more necessary. Such entry will be viewed only as resistance to an intrusion upon his possession which has never been lost. A stray act of trespass, or a possession which has not matured into settled possession, can be obstructed or removed by the true owner even by using necessary force. In Puran Singh case the Court clarified that it is difficult to lay down any hard-and-fast rule as to when the possession of a trespasser can mature into settled possession. The "settled possession" must be (1) effective, (ii) undisturbed, and (iii) to the knowledge of the owner or without any attempt at concealment by the trespasser. The phrase "settled possession" does not carry any special charm or magic in it; nor is it a ritualistic formula which can be confined in a straitjacket. An occupation of the property by a person as an agent or a servant acting at the instance of the owner will not amount to actual physical possession. The Court laid down the following tests which may be adopted as a working rule for determining the attributes of "settled possession" (SCC p. 527, para 12):

(i) that the trespasser must be in actual physical possession of the property over a sufficiently long period;

(ii) that the possession must be to the knowledge (either express



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or implied) of the owner or without any attempt at concealment by the trespasser and which contains an element of animus possidendi. The nature of possession of the trespasser would, however, be a matter to be decided on the facts and circumstances of each case;

(iii) the process of dispossession of the true owner by the trespasser must be complete and final and must be acquiesced to by the true owner; and

(iv) that one of the usual tests to determine the quality of settled possession, in the case of culturable land, would be whether or not the trespasser, after having taken possession, had grown any crop. If the crop had been grown by the trespasser, then even the true owner, has no right to destroy the crop grown by the trespasser and take forcible possession.

21. In the case of **Anathula Sudhakar by LRs (supra)**, the Hon'ble Apex Court held that,

21. To summaries, the position in regard to suits for prohibitory injunction relating to immovable property, is as under:

a) Where a cloud is raised over the plaintiff's title and he does not have possession, a suit for declaration and possession, with or without a consequential injunction, is the remedy. Where the plaintiff's title is not in dispute or under a cloud, but he is out of possession, he has to sue for possession with a consequential



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Injunction. Where there is merely an interference with the plaintiffs lawful possession or threat of dispossession, it is sufficient to sue for an injunction simpliciter.

(b) As a suit for injunction simpliciter is concerned only with possession, normally the issue of title will not be directly and substantially in issue. The prayer for injunction will be decided with reference to the finding on possession. But in cases where de jure possession has to be established on the basis of title to the property, as in the case of vacant sites, the issue of title may directly and substantially arise for consideration, as without a finding thereon, it will not be possible to decide the issue of possession.

(c) But a finding on title cannot be recorded in a suit for injunction, unless there are necessary pleadings and appropriate issue regarding title (either specific, or implied as noticed in Annaimuthu Thevar²). Where the averments regarding title are absent in a plaint and where there is no issue relating to title, the court will not investigate or examine or render a finding on a question of title, in a suit for injunction. Even where there are necessary pleadings and issue, if the matter involves complicated questions of fact and law relating to title, the court will relegate the parties to the remedy by way of comprehensive suit for declaration of title, instead of deciding the issue in a suit for mere injunction.



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(d) Where there are necessary pleadings regarding title, and appropriate issue relating to title on which parties lead evidence, if the matter involved is simple and straightforward, the court may decide upon the issue regarding title, even in a suit for injunction. But such cases, are the exception to the normal rule that question of title will not be decided in suits for injunction. But persons having clear title and possession suing for injunction, should not be driven to the costlier and more cumbersome remedy of a suit for declaration, merely because some meddler vexatiously or wrongfully makes a claim or tries to encroach upon his property. The court should use its discretion carefully to identify cases where it will enquire into title and cases where it will refer to the plaintiff to a more comprehensive declaratory suit, depending upon the facts of the case.

22. In the case of **Dalpat Kumar & Another** (supra), the Hon'ble Apex Court held that

“Temporary injunction under Order 39 Rule 1(c) is a discretionary remedy used to preserve the status quo. The plaintiff must explicitly satisfy the three core pillars: prima facie case, irreparable injury (not compensable by damages), and balance of convenience. Sound judicial discretion must balance the competing mischiefs.



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23. In the case of **Julien Educational Trust (supra)**, the Hon'ble Apex Court held that

“Evaluating balance of convenience and irreparable injury is vital at the interlocutory stay stage. If structural nature or commercial exploitation is permitted during trial pendency, the main suit is rendered completely meaningless and defeated.”

24. In the case of **Konjjengbam Babudhom Singh (supra)**, the Hon'ble Apex Court held that,

‘in a case where a party claims declaration of title and permanent injunction in respect of a property, if he applies for a temporary injunction pending the suit, the Court will be entitled to see whether the opposite party should be restrained by a temporary injunction pending the suit. But in a suit claiming a mere relief of declaration of title on the basis that the party is in possession, the claim or the grant of a temporary injunction will be meaningless, because even granting that the party succeeds in the suit to get the relief of declaration, it will not amount to a relief of permanent injunction which the party deliberately desisted in asking for. Thus, the temporary injunction would become useless even if he succeeds in the suit in getting a declaration, because even the declaration of title will not prevent the opposite party from claiming possession after the decree in the suit. Thus, the petitioner, if he wanted any relief in the suit regarding his possession, should have asked for the consequential relief of a



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permanent injunction in addition to the declaration and paid the necessary court fee for it in which case he could certainly have claimed a temporary injunction. But if he omits to do so and restricts his claim to a mere declaration and when the opposite party disputes his case of possession, he cannot in this indirect manner be allowed to claim a relief of injunction thereby attempting to enlarge the relief claimed in the suit without paying the necessary court-fee. In a suit for mere declaration of title, it cannot be said that there is a property in dispute within the meaning of Order 39, Rule 1 C.P.C.’

25. In the case of **Maharashtra Jeevan Pradhikaran & Another (supra)**, the Hon’ble Apex Court held that ,

‘17. Some times, interim orders are necessary to protect the interest of the parties till rights of parties are adjudicated upon. The Courts can grant interim injunction in exercise of inherent powers under section 151 of the Civil Procedure Code, if no specific provision under the Code or Act is available. However, while granting such interim order it should always be borne in mind that it is granted in the aid of final relief. If final relief is not available to the person seeking interim relief, then no interim relief can be granted in his favour.’

26. The Apex Court in the case of **Cotton Corporation of India v. United Industrial Bank, (1983) 4 SCC 625: AIR 1983 SC 1272** has



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held:

'It is undisputable that temporary injunction is granted during the pendency of the proceeding so that while granting relief the Court is not faced with a situation that the relief becomes infructuous or that during the pendency of the proceeding an unfair advantage is not taken by the party in default or against whom temporary injunction is sought. But power to grant temporary injunction was conferred in aid or as auxiliary to the final relief that may be granted. If the final relief cannot be granted in terms as prayed for, temporary relief in the same terms can hardly if ever be granted. In State of Orissa v. Madan Gopal Rungta (1952) 1 SCC 94: 1952 SCR 218 (1951 SCC 1024 AIR 1952 SC 12) a Constitution Bench of this Court clearly spelt out the contours within which interim relief can be granted. The Court said that an interim relief can be granted in aid of, and as ancillary to, the main relief which may be available to the party on final determination of his rights in a suit or proceedings. If this be the purpose to achieve which power to grant temporary relief is conferred, it is inconceivable that where the final relief cannot be granted in the terms sought for because the statute bars granting such a relief ipso facto the temporary relief of the same nature cannot be granted. (emphasis supplied) With the aforesaid parameters and principles of grant of injunction, let me turn to the facts and circumstances of the case in hand to examine the legality and validity of the impugned order granting injunction in



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favour of the plaintiff vide impugned order dated 17-7-2004.

27. In the case of **Indu Bala Bose& Others (Smt) (supra)**, the Hon'ble Apex Court held that,

"7. This Court has held that the mode of proving a Will does not ordinarily differ from that of proving any other document except to the Special requirement of attestation prescribed in the case of a Will by Section 63 of the Succession Act. The onus of proving the Will is on the propounder and in the absence of suspicious circumstances surrounding the execution of the Will, proof of testamentary capacity and the signature of the testator as required by law is sufficient to discharge the onus. Where however there are suspicious circumstances, the onus is on the propounder to explain them to the satisfaction of the court before the court accepts the Will as genuine. Even where circumstances give rise to doubts, it is for the propounder to satisfy the conscience of the court. The suspicious circumstances may be as to the genuineness of the signatures of the testator, the condition of the testator's mind, the dispositions made in the Will being unnatural, improbable or unfair in the light of relevant circumstances, or there might be other indications in the Will to show that the testator's mind was not free. In such a case the court would naturally expect that all legitimate suspicions should be completely removed before the document is accepted as the last Will of the testator. If the propounder himself takes a



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prominent part in the execution of the Will which confers a substantial benefit on him, that is also a circumstance to be taken into account, and the propounder is required to remove the doubts by clear and satisfactory evidence. If the propounder succeeds in removing the suspicious circumstances the court would grant probate, even if the Will might be unnatural and might cut off wholly or in part near relations.”

28. In the case of **Ram Piari (supra)**, the Hon’ble Apex Court held that para 2,

‘Although freedom to bequeath one's own property amongst Hindus is absolute both in extent and person, including rank stranger, yet to have testamentary capacity or a disposing state of mind what is required of propounder to establish is that the testator at time of disposition knew and understood the property he was disposing and persons who were to be beneficiaries of his disposition. Prudence, however, requires reason for denying benefit to those who too were entitled to bounty of testator as they had similar claims on him. Absence of it may not invalidate a will but it shrouds the disposition with suspicion as it does not give any inkling to the mind of testator to enable the court to judge if the disposition was voluntary act. Taking active interest by propounder in execution of will raises another strong suspicion.



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29. In the case of **Kavita Kanwar (supra)**, the Hon'ble Apex Court held that,

A probate proceeding is a matter of the court's conscience and operates in rem; non-filing or absence of a written statement does not dilute the propounder's absolute burden to remove all suspicious circumstances. Unexplained unequal distribution and active, hidden participation of a major beneficiary while isolating other natural heirs are grave badges of fraud. A printed text where the testator merely copies formal/legal expressions on dotted base lines cannot be equated to a genuine holograph will. It lacks the synchronized expression of a free hand and free mind. A bequest or directive that is practically in-executable, carries patent ambiguity, or forces an intrusion onto another's property rights is void under Sections 81 and 89 of the Succession Act.'

30. In the case of **P. Sheshareddy (D), (Supra)** the Hon'ble Apex Court held that whether contract which is the subject matter of agency and in the absence of and express provision to the contrary, the appellant was entitled to continue the said agency.

31. From the perusal of record and after hearing of both the parties, it reveals that both the parties are claiming ownership over the suit land vide sale deeds executed in their favour. The plaintiff is claiming ownership vide registered sale deed dated 13/02/2020 and



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21/12/2020 and defendants are claiming ownership vide power of attorney dated 27/04/2006 and registered sale deed dated 13/08/2015.

32. It is the contention of plaintiffs that they are absolute owner and possessor of their respective portion in survey No. 23. Subsequent to the purchase, the plaintiffs have developed the land, laid out plots and constructed roads over the suit property. It is their further submission that the defendants are claiming ownership on the basis of fraudulent sale deed which was executed after the death of original owner in her name. The Will produced by the defendants is also suspicious.

33. On the other hand the learned advocate for the defendants submitted that the Taba Pawati executed in the year 2006 is not challenged by the seller or the purchaser. The plaintiff has made false pleadings that 26R land was sold out by the original owner. The plaintiffs have encroached on the land of defendants. The plaintiffs have filed the present suit by suppressing material facts and not come before the Court with clean hands.

34. In the present suit, both the parties are claiming ownership over the suit land by virtue of sale deeds in their favour. Both the parties are claiming possession over the suit land. Three times Commissioner was appointed to measure the disputed suit property. The plaintiffs are



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found in possession of the suit property. However, the defendants disputed the said Commissioner report. The plaintiffs are claiming that the defendants have encroached on the land of plaintiffs and the defendants are claiming that the plaintiffs have encroached on the land of defendants. The disputed question of facts i. e. who is owner in respect of the disputed portion of the suit land can be decided only after recording evidence.

35. All the citations relied upon by the learned advocate for the plaintiffs can be taken into consideration after recording evidence because at this stage prima facie both the parties are claiming that they are having sale deeds of suit land in their farm. Therefore, contentions regarding false sale deeds fraudulent Will etc. can not be decided at this stage without recording evidence.

36. The contentions regarding pot kharab land and the allegations of both the parties regarding encroachment over each others land can also be decided after recording evidence. At this stage both the parties are claiming to be owners and in possession of the suit property. In such circumstances, no relief can be granted in favour of either party. Therefore, it is desirable to direct both the parties to maintain status quo in respect of the suit property and also not to alienate the suit land till the decisions of the main suit. Considering above discussion, I proceed to pass following order.

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Spl.C.S./326/2021

Purva Pravin Maloo @ Purva Devashish Rathi thr. POA Varun Pranam
Maloo Vs. Rajesh Babanrao Balkhande and 1

ORDER.

1. The application below Exh. 5 and 63 are partly allowed.
2. It is directed to both the parties to maintain status quo in respect of the suit property and also not to alienate the suit property till the decisions of the main suit.
3. Both the parties take to note.
4. Costs in cause.

Date : 14 /08/2026

(Mangala D. Kamble)
2nd Jt. Civil Judge Senior Division,
Amravati.