

ORDER ON I.A.NO.I

The plaintiffs have filed this application under order 39 rule 1 and 2 of CPC with a prayer to pass an ex parte ad-interim order of temporary injunction against the defendant from interfering with the possession of plaintiffs over the suit property pending disposal of the suit.

2. The plaintiffs have contended that the husband of the defendant has executed a registered will deed dated 27-02-2004 in favour of the plaintiffs. The plaintiffs are the owners and in possession of the suit property. The defendant is interfering with the possession of the plaintiffs over the suit property.

3. The plaintiffs are claiming their rights under the will deed. The plaintiffs admitted that the defendant is the wife of the deceased Appasaheb. The name of the defendant is also appearing in the RTC of suit property along with her husband Appasaheb. The suit property is the agricultural land. Hence considering the materials on record at this stage hearing of the defendant appears to be necessary. Hence I am of the opinion that the plaintiffs have not made out a case for grant of an ex parte order in their favour at this stage.

Hence I proceed to pass the following...

O R D E R

Issue emergent notice of IA No.I and suit summons to the defendant.

Issue process also through RPAD if PF and postal cover is furnished by the plaintiffs.

Call on 22-04-2024.

Senior Civil Judge and JMFC,  
Afzalpur.