

Perused the office note. It appears that, there is no caveat regarding this suit.

ORDER ON I.A. No.1

The plaintiffs have filed suit for Declaration and possession against defendants. Land bearing Sy.No.285/2 measuring 05-acres situated at Mannur village is subject matter of this suit.

It is averred that suit property is derived from one Husainbasha, who is none other than grand father of Plaintiffs No.2 to 5. It is further averred that, father of plaintiffs No.2 to 5 had been to Solapur for eking livelihood alongwith his family members in the year 1990. During that time the suit land leased-out in favour of defendant No.1, who is none other than brother of Late.Ismailsab (father of plaintiffs No.2 to 5). But in order order to grab the suit property, the defendant No.1 effected mutation vide mutation No.968 dated 28.07.2000 and transfer the suit land in his name behind the back of Late.Ismailsab. Thereafter the defendant No.2 and 3 are come on record in the suit property by way of mutation entry. Now the defendant No.2

and 3 are trying to dispose suit land in order to dupe the lawful rights of plaintiff involved in the suit property.

Plaintiffs also filed I.A.No.1 under Order-39 Rule-1 and 2 of C.P.C., that defendants No.2 and 3 be restrained from alienating suit property till disposal of suit. The said application of supported by affidavit of plaintiff No.1, wherein reiterated plaint contents.

On perusal of pleading, documents on record and fact deposed on oath, goes to show that plaintiffs are having arguable case. During the pendency of case if defendants No.2 and 3 will dispose, then the very purpose of filing of suit would be frustrated, which can not be compensate by way of money. On the other hand no loss or injury caused if injunction is granted. Hence dispensed pre-notice on I.A.No.1, I pass the following...

ORDER

I.A.No.1 filed under Order-39 Rule 1 and 2 of C.P.C. is allowed for the following terms....

Defendant No.2 and 3 are restrained from alienating suit land till their appearance.

Plaintiffs are directed to comply the provisions as contemplated under Order-XXXIX Rule-3a of CPC.

Issue I.A. notice and suit summons to defendants, if P.F. paid.

Call on 23.02.2019.

Civil Judge, Afzalpur