

R.C.S. No. 715/2022
Vimal Mane
Vs. Baburao Sarvade

ORDER BELOW EXH. 5

1) The plaintiffs have filed the suit for partition and perpetual injunction. It is the contention of plaintiffs that, they are sisters to each other and defendant No. 1 & 2 are their brothers. Defendant No. 3 to 14 are legal representative of deceased Jaibhim Kondiba Sarvade. The plaintiffs and defendants are members of joint Hindu family. The father of plaintiffs was Karta of family and the suit property were their ancestral properties. After the demise of their father the defendants have mutated their name in 7/12 extract with collusion of Revenue Officer behind back of plaintiffs and without notice to plaintiffs. There is no any partition between plaintiffs and defendants till today and plaintiffs have 1/3rd share in the suit property. The defendants No.11 to 14 sold the suit property to third person and the agreement reduced into writing and the earnest amount was also received by them. After agreement, the purchaser has issued proclamation to which the plaintiffs have objected and put their claim. The defendant No.11 to 14 are ready to alienate the suit property behind the back of plaintiffs and therefore, the plaintiffs have moved the present application for urgent relief.

2. I have perused the document. Heard learned advocate for the plaintiffs. The plaintiffs have made out case for grant of exparte ad-interim relief and if the reliefs are not

granted, the plaintiffs will suffer wrongful loss and injury. Hence, in order to avoid further complications I find it appropriate and necessary to grant urgent ad-interim relief in favour of plaintiffs for a limited period. Accordingly, I proceed to pass following order.

ORDER

1. Exparte ad-interim relief is granted in terms of prayer clause of 1 of the application.
2. The defendants are hereby restrained from creating third party rights in any manner whatsoever, till filing of their say.
3. Issue notice to the defendants as to why the ad-interim relief should not be confirmed till the disposal of the suit.
4. E.P. & S.B. allowed. Returnable on 07/11/2022.

Sd/-

(Aarti Shinde)

Date : 17/10/2022.

4th Jt. Civil Judge J. D. Latur