



RCS No. 42/2026
Meerajul Vs. ICICI
Bank
MHAK060010992026

ORDER
(Below Exh. 5)
(Passed on 09th March, 2026)

This is an application by plaintiff under Order XXXIX Rule 1 and 2 of The Code of Civil Procedure 1908 (*for short mentioned as 'The Code 1908'*) to grant *ex-parte* ad-interim injunction against the defendants. However, vide *Pursis* (Exh.8), the plaintiff prayed to consider his present application (Exh.5) to the extent of defendant No. 1 only.

2. Heard Ld. Advocate Shri. G. P. Guhe for the plaintiff. Perused the application Say, and documents on record.

3. Record reveals that this is suit for declaration and perpetual injunction. The plaintiff has alleged that he is the sole owner of the suit flat No. T(FU-1) of the 3rd Floor of the Danish Tower situated at Akot. The plaintiff alleged that he has purchased the suit flat from defendant No. 2, who had purchased it from defendant No. 3 and 4. According to plaintiff, he is the bonafide purchaser and had no notice of loan pending against the suit flat taken by defendant No. 3 and 4 from the defendant No. 1 till the date of notice by

defendant No. 1 pasted on his house. According to plaintiff, he is neither borrower nor guarantor of the loan taken by the defendants No. 3 and 4. It is alleged that defendant No. 1 is going to take possession of the suit flat day after tomorrow. Therefore, defendant No. 1 be restrained from dispossessing the plaintiff without following due course of law. Considering the nature of dispute, it would not be just and proper to grant *ex-parte* ad-interim injunction without giving an opportunity of being heard to the defendant No.1. In the case in hand, delay till appearance of the defendant is not going to defeat the object of the injunction. The plaintiff is admittedly, in possession of the suit flat. The suit is filed for declaration that the plaintiff is absolute owner. Hence, I pass the following order ;

ORDER

1. Issue notice to defendant No. 1, calling its say as to why ad-interim injunction should not be granted against it as prayed by the plaintiff till then both the parties are directed to maintain status-quo.
2. EP and SB is allowed on payment of necessary bailiff *bhatta*.
3. Notice returnable on tomorrow.

Sd/-

Date : 09.03.2026

(A. A. Mali)

Place : Akot.

2nd Jt Civil Judge (Jr.Dn),
Akot, Dist. Akola.

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Order/Exh. 05

CERTIFICATE

I affirm that the contents of this P.D.F file Order are same word to word as per the original order.

Name of Stenographer	:	P. N. DURATKAR
Court Name	:	2 nd Jt Civil Judge (Jr.Dn.) & JMFC, Akot, Tq. Akot, Dist. Akola
Date of decision	:	09/03/2026.
Order Signed by P.O on	:	09/03/2026.
Order Uploaded on	:	10/03/2026.