

ORDERS

This is a suit filed by the plaintiffs against the defendant for relief of declaration declaring that plaintiff No.1 to 8 are the legal heirs of late Lalita Pundalik Waglekar entitled to succeed or inherit to all the suit schedule properties, further directed to defendants to hand over the vacant possession of the suit house bearing Mudageri Gram Panchayat house No.207, consequential relief of permanent injunction and such other relief in the interest of justice and equity.

2. The learned counsel for plaintiffs also filed I.A.No.I u/O.XXXIX Rule 1 and 2 r/w.Sec.151 of CPC praying to issue ad-interim temporary injunction restraining the defendant, his men, henchman and others from alienating the suit schedule properties.

3. In support of I.A.No.I the learned counsel for plaintiffs also filed sworn affidavit of plaintiff No.1 stating that defendant is no way connected to suit schedule properties and in the year 2018 he mutated the name of Lalita Waglekar to all suit schedule properties and thereafter, created fictitious documents in the style of Willnama and

mutated all the suit schedule properties in his name. In fact, the Lalita Pundlik Waglekar has never executed any Willnama in his favour.

4. It is the specific grievance of plaintiffs is that on the strength of Willnama the defendant is mutated his name in the revenue records of suit schedule properties. The learned counsel for plaintiffs also filed memo with certified copy of Willnama it disclose that the stamp paper is purchased on 7.3.2018 and Willnama executed by Lalita Pundalik Waglekar on 7.3.2017 with respect to suit schedule properties. The learned counsel also draws the attention of Court that stamp paper purchased in the year 2018 and Willnama executed on the said stamp paper on 7.3.2017, it is impossible. Hence, it is argued that the Willnama itself is illegal.

5. Thus it is the specific grievance of the plaintiffs is that the defendant is trying to alienate the suit schedule properties to others on the strength of his name appearing in the records of suit schedule properties. If the defendant is succeeded to alienate the suit schedule properties the very purpose of filing the suit itself is defeated. The genuineness of Will is decided

only after full pledge trial. In order to keep suit schedule properties at present condition, if ad-interim temporary injunction is granted in favour of plaintiffs restraining the defendant from alienating the suit schedule properties in any mode till the next date of hearing it will meet the ends of justice. On the other hand, it will no way affect to hardship to defendant. With this observation, I proceed to pass the following:

ORDER

1. Pending disposal of I.A.No.I the defendant is restrained by an order of ad-interim temporary injunction not to alienate the suit schedule properties till the next date of hearing.
2. Issue suit summons, ad-interim temporary injunction order and emergent notice of I.A.No.I to the defendant, if P.F. is paid.
3. The plaintiffs has to comply the provisions of Order XXXIX Rule 3(a) of CPC.

Call on 30.3.2020.

(Amarnath K.K.)
Addl. Senior Civil Judge,
Karwar.

