

ORDER BELOW EXH.5 IN R.C.S. No.87/2025.

This is an application for temporary injunction against defendant no. 1 for not to transfer and create third party interest in suit property. Heard Ld. Advocate on behalf of plaintiff. Perused plaint, application and documents along with it.

2. Prima-facie it appears that, present suit is for partition and perpetual injunction. As per plaint suit property is joint family property of plaintiff and defendants. Defendant no.1 is father of plaintiff and defendant no.3 to 5. Therefore, prima-facie it appears that rights of all the parties are involved in suit property. Therefore, before passing any order in respect of suit property it is necessary to heard defendants. Defendant no.2 to 5 are suo-moto appeared before the court and filed pursis that they have no objection to grant ad-interim injunction as prayed by plaintiff. However, plaintiff prayed ad-interim injunction only against defendant no.1 whose presence is not on record. Further, Prima-facie there is no exceptional and compelling circumstances to grant ex-parte ad-interim injunction. I found no emergent need to allow this application without hearing defendant no.1. The prayer of plaintiff can be considered after hearing defendant no.1. Therefore, at this stage it will be just and proper to issue notice to defendant no.1. Hence, I pass following order-

ORDER

1. Issue show cause notice to defendant no.1 as to why temporary injunction cannot be granted against him as prayed by plaintiff.
2. Special bailiff and emergent process are allowed if needed.

Place: Newasa.

(Sandhya Y. Sul)

Date: 31/01/2025.

2nd Jt. Civil Judge, Junior Division,

Newasa, Dist. Ahmednagar.