

ORDER BELOW EXH.5 IN R.C.S. No.362/2025.

This is an application for temporary injunction against defendants 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 specific performance and perpetual injunction. As per plaint there is notarized agreement between plaintiff and defendants for purchase of suit property. At the time of agreement defendants delivered possession of suit property to plaintiffs. For sale-deed of suit property permission of competent authority is necessary and as per agreement it is agreed that plaintiff will apply for that permission. Accordingly plaintiff applied for permission and they get permission from competent authority. However, after that defendants refused to execute sale-deed. Hence, this suit. Further plaintiff contended that defendants trying to sale out suit property to third person. Therefore, they prayed to grant ex-parte ad-interim injunction. I have gone through documents. As per plaintiffs there is possibility that defendants may transfer suit property to third person. However, mere apprehension is not sufficient to grant ex-parte ad-interim injunction. Prima-facie there are no exceptional and compelling circumstances to grant ex-parte ad-interim injunction. I found no emergent need to allow this application without hearing defendants. The prayer of plaintiff can be considered after hearing defendants. Therefore, at this stage it will be just and proper to issue notice to defendants. Hence, I pass following order-

ORDER

1. Issue show cause notice to defendants as to why temporary injunction cannot be granted against them as prayed by plaintiffs.

2. Special bailiff and emergent process are allowed if needed.

Place: Newasa.

Date: 02/05/2025.

(Sandhya Y. Sul)

2nd Jt. Civil Judge, Junior Division,
Newasa, Dist. Ahmednagar.