

MHAH230000522025



ORDER BELOW EXH.26 IN SPECIAL. C.S. No.03/2025

Plaintiff in present suit has placed this application under order XXXIX rule Rule 1 and 2 of Code of Civil Procedure, 1908, seeking temporary injunction against the defendant no.1, to restrain him from alienating the suit property, till final disposal of present suit. Suit is already ordered to be proceeded *ex-parte* against defendants no.1, 5 and 6. Despite of giving sufficient opportunity, defendants no.2 to 4 and 7 and 8 failed to submit their say to present application, as a result of which, present application is ordered to be proceeded without their say. Perused the application, plaint and documents tendered on record. Heard, Ld. advocate appearing for plaintiff. Through present suit, plaintiff has not only sought the declaration in respect of registered sale deed bearing no. 8104/2024, but he has also sought directions against defendants no. 1 to 3 to execute sale deed in his favour in respect of property as referred in para 1-B of the plaint, by virtue of preferential right to purchase said property. The question into controversy between the parties is whether the plaintiff has preferential right to purchase the property as referred in para 1B of the plaint. Through evidence, said question into controversy would be resolved. However, if the property is further alienated by defendant no.1, plaintiff would be deprived from agitating right as claimed through present suit. Even, complication would be arisen in the suit. Thus, by way of

temporary injunction, defendants no.1 need to be temporarily restrained from alienating the suit property, till final disposal of present suit. As defendant no.1 has not submitted his written statement and say to present application, plaintiff has *prima facie* case. Even balance of convenience lies in favour of plaintiff and he will suffer irreparable loss, if injunction is refused. Thus, by way of temporary injunction, defendant no.1 need to be restrained from alienating the suit property, till final disposal of suit. Hence, I pass following order.

:: ORDER ::

1. Application at Exh.26 is allowed.
2. By way of temporary injunction, defendant no.1, is hereby restrained from alienating the suit property, till final disposal of suit.
3. Cost in cause.

Shrigonda
Date: 27/02/2026

(H. J. Pathan)
2nd Jt. Civil Judge(S.D.), Shrigonda.