

RCS no. 290/2025

Exh. 5

MHAH230005902025



Shailendra Shankar Alias
Shankarrao Jadhav

Vs.

Savita Vijay Jadhav

Order below Exh. 5 in R. C. S. No. 290/2025

Plaintiff has instituted the present suit against the defendants seeking Specific Performance of preferential right to purchase the suit property under Section 22 of the Hindu Succession Act, 1956 and declaration. The suit property comprises land bearing Gat No. 876 situated at Mouje Belwandi Budruk, Taluka Shrigonda, District Ahmednagar.

2. It is the case of the plaintiff that, the suit property has devolved upon the defendants through partition. Darkhast is pending for execution of decree of partition. Suit property is in possession of plaintiffs. Defendants have allegedly initiated steps to sell the property to third parties and have been bringing prospective purchasers to the land. The plaintiff apprehends imminent

alienation of the suit property to outsiders, which would defeat his statutory right under Section 22 of the Hindu Succession Act.

3. The plaintiff has prayed for an ex-parte temporary injunction restraining the defendants not to alienate the suit property to third property and not create third party interest in the suit property till the disposal of the suit.

4. I have perused the plaint. The application, Prima facie, the suit property appears to have devolved upon the defendants through partition. The plaintiff claims possession and asserts a statutory right to purchase the property. However, there is no documentary evidence on record to show that the defendants have executed any sale agreement or that the plaintiff has made a formal offer to purchase the property, nor is there any material to show that such offer was refused.

5. In view of the above, I do not find sufficient urgency or irreparable injury warranting grant of ex-parte injunction at this stage. The requirements under Order XXXIX Rule 3 of the Civil Procedure Code mandate that the opposite party be given an opportunity to be heard unless delay would defeat the purpose of

the injunction. Hence, I am not inclined to grant ex-parte relief.

However, in the interest of justice, the following order is passed:

ORDER

Issue notice to the defendants.

Date: 29.10.2025

(R. B. Khawale)

2nd Joint Civil Judge Junior division,
Shrigonda