

R.C.S. No. 725 / 2022
(MHAH250024532022)
Atnu Solar Vs. Sanjay Aher

ORDER BELOW EXH. 20.

This is an application by the plaintiff seeking temporary injunction against defendant no.1.

2. It is submitted that plaintiff had executed agreement to sale in respect of suit property with defendant nos.2, 3 and deceased Radhika Shinde on 21.11.2019. The consideration of Rs.8,67,825/- was paid to defendant no.2 and 3 and therefore on 14.12.2020 plaintiff got executed sale deed of suit property on the basis of power of attorney executed by defendant no.2 and 3. Despite of said fact, on 04.07.2022, defendant no.1 got executed sale deed in respect of suit property in his favour. On the basis of sale-deed defendant no.1 got mutation entry record in his name, however, said sale-deed has null and void and therefore, mutation entry is illegal. It is submitted that considering time frame for decision of suit, it is necessary to restrain defendant no.1 from alienating or creating encumbrances upon suit property nor to avoid multiplicity of proceeding. Hence, this application.

3. Defendant no.1 filed say at Exh.23 submitting that he will not alienate or creating encumbrances upon suit property.

4. In view of submissions of plaintiff and defendant no.1, as defendant no.1 himself has submitted that he shall not alienate suit property or creating encumbrances upon it, I pass following order:-

ORDER

Defendant no.1 is hereby restrained from alienating the suit property or creating encumbrances upon it till further order.

Date:- 11/03/2024
Parner

(R. K. Deshpande)
Civil Judge, Junior Division,
Parner.