

MHAU090005862023



R.C.S. No. 78/2023

Jayshree Vinodchandra Saraf Vs. Jagdish Rameshchandra Saraf

**ORDER BELOW EXH.5 IN RCS No. 78/2023**

This is an application for temporary injunction under order 39 Rule 1 and 2 of Code of Civil Procedure.

2. It is the case of the plaintiff that, the suit properties are ancestral properties of plaintiffs and defendant nos.1, 2 to 5 to 21. The suit properties are not partitioned yet. But defendant nos. 1, 2 and 5 to 7 are trying to alienate and create third party interest in the suit properties. Therefore, they prayed for ad-interim ex-parte injunction against defendant nos. 1 to 7.

3. Perused the application and documents filed on record. Heard the learned counsel for the plaintiffs.

4. This is the suit for partition. To substantiate their submission plaintiffs have filed on record 7/12 extracts, relevant mutation entries and copy of agreement to sale dated 22-12-2022. On the perusal of the said agreement to sale, prima facie it appears that defendant nos. 1 and 2 are trying to alienate the suit property bearing Gat No.176 in favor of defendant nos. 3 and 4. Therefore, the defendants are liable to be restrained from

alienation and creating third party interest in the suit property. Considering all the above aspects, the plaintiff are entitled for grant of ad-interim ex-parte injunction against the defendant nos. 1 to 7. No prejudice will be caused to the defendants, if an ad-interim injunction is granted against them. Thus, following order.

**ORDER**

1. The ad-interim ex-parte injunction is granted against the defendant nos. 1 to 7 till their appearance.
2. The defendants are hereby temporarily restrained from alienation and creating third party interest in the suit property either by themselves or anybody else on their behalf.
3. Issue notice to the defendants as to why the ad-interim order should not be continued.
4. Plaintiff shall comply Order 39 rule 3 of the Code of Civil Procedure.

Paithan,  
Date : 24.02.2023.

(Aparna C. Rokade)  
Jt. Civil Judge Junior Division,  
**Paithan, Dist. Aurangabad.**