

ORDER BELOW EXH. 05 IN R.C.S. No. 26/2024

(Ratnakar Vs. Kacharu)

By way of this application, the plaintiffs prayed for passing ex parte injunction for restraining defendants from alienating suit property.

03. Perused the record. Heard Ld. Advocate for the plaintiffs. Studied Order 39 of C.P.C. As per Order 39 Rule 3 of the Code, the court can grant ex-party status-quo or interlocutory order if the object of passing order would be defeated by delay. However, in the present suit, at this juncture, alleged right of plaintiffs in the suit property is protected as per Section 52 of the Transfer of Property Act by principle of *pendate lite*. Therefore, it will not seen necessary to pass any ex parte order. Therefore, the application deserves to be rejected. Thus, following order is passed.

ORDER

- i. The prayer of passing ex-party interim injunction order is rejected.
- ii. Issue show cause notice to defendants of application (Exh. 05) to show cause as to why injunction as prayed should not be granted against them.
- iii. R.P.A.D. is allowed to the plaintiff. Returnable on 04/04/2024.
- iv. Bailiff is directed to serve notice as per Order 5 Rule 17 of the Code if circumstances warrant.

Date: 21/03/2024

(V. H. Khedkar)
(CJJD., Khulatabad)

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment.

Name of the Stenographer :- ***Akash S. Chavan***
(Stenographer Grade-III)

Court :- Khulatabad

Date :- 21/03/2024

Judgment/order signed by :- 21/03/2024
the presiding officer on

Judgment/order uploaded on :- 22/03/2024

ORDER BELOW EXH. 01 IN R.C.S. No. 26/2024

(Ratnakar Vs. Kachru)

1. Issue suit summons for settlement of issues.
2. Returnable on 04/04/2024

Date: 21/03/2024

(V. H. Khedkar)
(CJJD, Khultabad.)

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment.

Name of the Stenographer :- ***Akash S. Chavan***
(Stenographer Grade-III)

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