

MHBI160006122018



R.C.S.NO. 320/2018

Kadubai Vs. Arjun

ORDER BELOW EXH.5 :

Read the application, affidavit of the plaintiff and the documents filed along with the suit. Heard the learned advocate for the plaintiff. It is important to note that, the defendants served with suit summons but they failed to appear in the suit. Hence, the present suit is proceeded ex parte against the defendants. Accordingly, the order below Exh.1 passed on dated 03.01.2022. As the defendants are served with suit summons, it can be very well be concluded that, the defendants are aware of the pleadings of the plaintiff. After going through the documents filed on record, it prima-facie seems that, the plaintiff has certain right and interest in the suit properties. It is the contention of plaintiff that, the defendants are about to dispose off the suit properties, if the defendants disposed the suit properties then it will create further complication in the suit and multiplicity of the suit. The said contention is not denied by the defendants by filing the say. At the same time there is an apprehension of alienation of suit property by the defendants and creation of third party interest by them during the pendency of the suit.

2. Defendants have failed to appear before the Court and file the say on the present application and contest the same. Therefore, there is no ground to reject the allegation of the plaintiff. Considering over all facts and circumstances of the case, I proceed to pass the following order.

ORDER

1. The present application is hereby allowed.

2. Defendants are hereby temporary restrained from alienating the suit properties or creating third party interest in the suit properties till final disposal of the suit.
3. Cost of the application will be cost of main cause.

Dated: 04.07.2022

[A.T. Mangire]
Civil Judge,J.D.,Shirur kasar.

“I affirm that the contents of this PDF file are word to word as per original Judgment/order”.

Sd/-
[P.B. Kusumkar]
Stenographer Grade-3

Dictated on : 04/07/2022

Transcribed on : 04/07/2022

Checked & signed on : 04/07/2022