

**Regular Civil Suit No. 3/2023**  
**(C.N.R. - MHJG19 - 000046 - 2023)**  
**(Vandanabai Chaudhari V/s Pralhad Chaudhari and others)**  
**Order passed below Exh. No. 6**

The present application is filed by the plaintiff under Order XXXIX, Rule 1 & 2 of Code of Civil Procedure.

2. Read the application. Perused documents filed on record. Heard Ld. Adv. Shri. S.B. Patil for plaintiff. He submitted that, suit property is purchased by the plaintiff in the registered sale-deed of Dt. 12/11/2021. She has right, title and possession over the suit property being absolute owner of the property. The suit plot was stands in the name of plaintiff and another co-sharer. The defendants have no concern with the suit property. But, they have trying to dispossess the plaintiff. The defendant No. 1 to 4 have executed agreement to sell with defendant No. 5 to 9 in respect of Gat No. 216/1/2. As the plaintiff's plot was open, defendants have pulled-out boundary marks and trying to take possession of the plaintiff's plot. If, they have succeeded in their attempt, plaintiff will suffer from her rights. She has strong prima-facie case. For that reason, ad-interim temporary injunction be granted.

3. On perusal of plaintiff's pleading, it appears that, she has brought present suit is for perpetual and mandatory injunction. The documents produced by her on record shows that, she has purchased northern side half portion of the plot No. 28, out of Gat No. 216/1/1. The sale-deed produced on record itself shows that, the plaintiff has get possession of the suit property on the date of sale-deed. Also, copy of the agreement to sell of the defendants, itself shows that, land out of Gat

No. 216/1/1 was situated towards northern side of Gat No. 216/2 i.e. property of the defendants. It is no doubt that defendant No. 8 has filed caveat, before this Court, but it is in respect of Gat No. 216/1/2 and plot No. 2 & 7 out of Gat No. 216/1/1. The subject matter of the present suit is not mentioned in the said caveat and notice of the caveat, was not issued to the plaintiff. The plaintiff has apprehension that, defendants would illegally take possession of her plot. Her application is supported by affidavit. The documents produced on record shows that, the plaintiff has *prima-facie* case. She has further apprehension that, if the defendants have succeeded in their attempt, she would suffer irreparable loss. Also, *prima-facie* it appears that, plaintiff has right, title and possession over suit property. Considering all these aspects and to protect her rights, it needs to restrain the acts of the defendants by way of ad-interim *ex-parte* injunction order, as not to disturb her possession and not to dispossess her. Hence, the following order :-

### **Order**

1. Issue ad-interim *ex-parte* temporary injunction against defendants directing them as not to obstruct the plaintiff's possession over the suit property and not to dispossess her by any means till further order.
2. Issue emergent show cause notice to the defendants stating that, as to why ad-interim *ex-parte* temporary injunction granted in favour of plaintiff, should not be confirmed against them returnable on 14/02/2023.
3. Plaintiff to comply with Order XXXIX, Rule 3 of C.P.C.
4. P.B. & S.B. allowed.

(K.K. Mane)

Date : 21/01/2023.

Civil Judge, Junior Division, Parola,  
Tal. Parola, Dist. Jalgaon.