

ORDER BELOW EXH.05

(.... Passed on 14th February 2025)

This is an application [Exhibit 05] moved by Ld. Advocate Shri P.L. Warpe of the plaintiff and submitted to restrain defendants from creating third party interest over the suit property in any manner by any one else till the appearance of defendants and service of suit summons.

02. He asserted that defendant No.1 executed agreement to sell dated 08/03/2021 by accepting total amount of Rs.2,50,000/- and agreed to execute the sale-deed but, he subsequently refused to execute the same. Therefore, plaintiff has constrained to file the suit along with present application. He further submitted that defendants are in haste to alienate suit property so, request to grant ad-interim ex-parte injunction as prayed. Heard respected advocate Shri P.L. Warpe, for the plaintiff. Called say.

03. Perused application and record. Contention of plaintiff is supported with an affidavit of plaintiff. However, to buttress his contention, he produced agreement to sell, 7x12 extract wherein, it prima facie proves that defendant No. 1 entered into contract to sell the suit property to the plaintiff and accordingly executed agreement to sell dated 08/03/2021. But, it was incumbent on the part of plaintiff to prove that on the date of filing suit, with whom defendants entered into contract subsequently to sell the suit property. Even, plaintiff did not tell the name of the person as to who are interested to purchase the suit property at this stage. Bare words of Ld. Advocate of the plaintiff are not sufficient to constrain me to seek ex-parte ad-interim injunction order without giving an opportunity to other-side, so it would be just to decide T.I. application on merit. In such situation, I am of the view that there is no extreme emergency to grant ex-parte ad-interim injunction at

this stage. Hence, issue show-cause notice to the defendants as to why injunction should not be granted in your absence. E.B. and S.B. is allowed, if available. R/o-

Date: 14/02/2025

(**Smt. S.P. Paithankar**)
3rd Jt. Civil Judge S.D., Jalna.
Tal. Dist. Jalna.

R.C S. No.154/2024

Ritesh & Ors. Vs. Namdev & Ors

ORDER BELOW EXH. 13

(.... Passed on 14th October 2024)

In view of order passed below Exh. 16, adjournment application moved by the defendants No. 1 to 7 is granted subject to condition to file say to the T.I. application on next date without fail. Failure on their part, their right to file the say to the T.I. application will be forfeited.

Date: 14/10/2024

3rd Jt. Civil Judge S.D., Jalna.

Tal. Dist. Jalna.