

ORDER BELOW EXH.5 IN R.C.S. NO.35/2019
(CNR No.MHKO050005072019)

Read application and affidavit filed in support thereof. Heard the learned advocate Shri. S.N.Mudgal for the plaintiff for the sufficient length and time. Perused the documents produced on record. The suit is for partition and separate possession. Some of the properties are transferred by the defendant No.1 to defendant Nos.2 and 3 by mentioning the specific boundaries of the suit properties. I have gone through Section 6 read with Section 44 of the Transfer of Property Act. The co-sharer has every right to alienate his share. But the co-sharer cannot be alienated a specific portion of the property. When purchasers have purchased the properties, then they have to file suit for partition and get possession from the Court. They cannot enter in particular portion of property. After considering the pleading of the plaintiff & documents on record and what transpires during the course of submissions, I am of the judicious and considerate opinion that at least status-quo order needs to be granted till the appearance of the defendants. Hence, the defendants are directed to maintain the status-quo as on day and not to disturb the peaceful possession of the plaintiff over the suit property till their appearance. Issue show cause notice to the defendants as to why injunction should not be granted against them as prayed by the plaintiff. The plaintiff to comply with the provisions of Order 39 Rule 3(a)(b) of the Code of Civil Procedure, 1908. P.B. and S.B. is allowed. The plaintiff is directed to deposit the special bailiff bhatta forthwith in the Court. The plaintiff is also directed to file a pursis on record that if her claim is found false in future, then she will compensate the defendants of Rs.5,00,000/- (Rs. Five Lacs only). R/o. 08.02.2019.

Sd/-

Date :- 31.01.2019.

(S.D.Chavan)
3rd Jt. C.J.J.D., Ichalkaranji.

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

Name of the Stenographer :- Sachin Narayan Salokhe.

Name of Court :- Shri. S. D. Chavan,
3rd Jt. Civil Judge Junior Division,
Ichalkaranji.

Date of Dictation :- 31. 01. 2019.

Order signed by the P.O. on :- 31. 01. 2019.

Order uploaded on :- 01. 02. 2019.