

MHKO070007082022



REGULAR CIVIL SUIT NO. 105 / 2022
Sudam Kambale & oth. Vs. Manohar Kambale & oth.
ORDER BELOW EXH. 51

Vide this application, plaintiffs are requesting firstly for restraining defendants from disturbing possession of plaintiffs over the suit properties and secondly for restraining defendants from alienating or creating third party interest in any of the suit properties. Although the matter is not on today's board, vide application at Exh. 50, the matter is taken on today's board and vide application at Exh. 51 plaintiffs are requesting for issuance of ad interim ex-parte injunction restraining defendant Nos. 1(A) to 1(E) from alienating or creating third party interest in any of the suit properties.

02. Perused application at Exh. 51 as well as documents filed with list at Exh. 53, particularly the document at Exh. 53/3 and 53/4. Considering those documents and the upcoming summer vacations the apprehension of plaintiffs regarding the alienation of the suit properties by said plaintiff Nos. 1(A) to 1(E) appears to be genuine and reasonable. Accordingly, I am of the view that discretion can be exercised in favour of plaintiffs by passing following order :-

ORDER

1. Issue ad interim ex-parte injunction restraining defendant Nos. 1-A to 1-E from alienation or creating third party interest in any of the suit properties till the date fixed in the matter i.e. 02/05/2024.
2. Issue notice to defendant Nos. Nos. 1-A to 1-E as to why the said order shall not be confirmed against them.
3. Plaintiffs to comply the order XXXIX, Rule 3 of The Civil Procedure Code.
4. E.P. and S.B. allowed, if prayed.

(**Anand D. Karbhajan**)

Place - Jaysingpur.

Date - 19/04/2024

Joint Civil Judge Junior Division,
Jaysingpur, Tal. Shirol, Dist. Kolhapur.