

REGULAR CIVIL SUIT NO.140/2022
(Milind Kulkarni Vs. Sarsabai Kamble & Ors.)
ORDER BELOW EXH. 05

Vide this application plaintiff is requesting for ad-interim temporary injunction directing defendant No. 7 from alienating or creating third party interest in the suit property.

02. Heard learned advocate Shri. A. M. Kulkarni for plaintiff. Perused record and proceeding.

03. According to plaintiff, one Dagadu Babaji Kamble was the owner of suit property and he executed Contract of Sale in favour of plaintiff vide registered document dated 27/11/2015. Original Contract of Sale is on record at Exh.3/4. Copy of 7/12 extract of the suit property is forming part and parcel of that original Contract of Sale. Said document corroborate the contentions of plaintiff. It is further contentions of plaintiff that subsequently Dagadu Kamble expired and thereafter his legal representatives executed registered Sale-Deed on 23/03/2022 in favour of defendant No.7. Certified copy of said Sale-Deed is filed at Exh. 3/6 which also corroborates the version of plaintiff.

04. In the light of all the abovesaid discussion, *prima facie*, it transpires that rights of plaintiff are involved in the suit property and there is reasonable apprehension of threat thereto at the sweet whims of defendant No.7. In order to safeguard the said interest and to avoid multiplicity of proceeding, I am of the view that discretion can be

exercised in favour of plaintiff. Accordingly, following order:-

ORDER

1. Issue ad interim ex-parte injunction restraining defendant No. 07 from alienating or creating third party interest in the suit property till next date or his appearance whichever falls earlier.
2. Issue show cause notice as to why the said order shall not be confirmed against him.
3. Plaintiff to comply Order XXXIX, Rule 3 of the Code of Civil Procedure.
4. E.P. & S.B. allowed, if prayed.

Place - Jaysingpur.
Date - 23/06/2022

(**Anand D. Karbhajan**)
Joint Civil Judge Junior Division,
Jaysingpur, Tal. Shirol, Dist. Kolhapur.