

MHKO090000852022

**ORDER BELOW EXH. 5 IN REG. CIVIL SUIT NO. 65/2022**

1. Perused the application. Heard Ld. Adv. Shri. Patil. It is submitted that the plaintiff has purchased the suit property from defendant Nos. 4 to 10, by way of registered sale deed dtd. 20.10.2021. It is further submitted on the basis of this sale deed. The plaintiffs are in possession of the suit property. But defendant No. 3 before a few days filed false objection, on which defendant No. 2 sent a letter dtd. 28.10.2021 that mutation entry on the basis of the aforesaid sale deed was not be taken.
2. Considering documents on record and after hearing the plaintiffs, I find that possession of the suit property was duly transferred to the plaintiffs on the basis of aforesaid sale deeds. Their possession cannot be disbelieved just because a mutation entry is not sanctioned. Moreover, I find that the Sub-Registrar, after executing the sale deed, cannot say that there is any lacuna in the document. Thus, after hearing the plaintiffs, I find that the plaintiff is prima facie in possession of the suit property. Hence, it is a fit case to pass an ex-parte temporary injunction. Hence, I pass the following order -

ORDER

1. Defendant No. 3 or any other person claiming under him, in any manner, are hereby restrained from disturbing the possession of the plaintiffs over the suit property, otherwise than due process of law, till further orders of this court.
2. Plaintiffs shall comply as per Order XXXIX Rule 3 of the Code of Civil Procedure.
3. Notice r/o. 26.04.2022.

Date : 28.03.2022

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj