



R.C.S.No.91/2023
Sagar Mali Vs Aannappa @
Aannasaheb Mali and others
CNR NO.MHKO180003372023

ORDER BELOW EXH.05.
(Dated 06th May, 2023)

1] Read application, plaint and affidavit supported with the application. Perused record and proceeding, heard advocate for the plaintiff. Present suit is filed for partition and separate possession. As per the contention of the plaintiff suit properties are the ancestral properties of plaintiff and defendants. The defendants have denied share of the plaintiff, hence present suit is filed. Defendant No.1 by taking disadvantage of his name in the revenue record trying to alienate suit property. Hence he has requested to issue ex-parte injunction.

2] Advocate for the plaintiff argued that, the defendant No.1 is in habit of consuming liquor, therefore he is going to alienate suit property. Hence he has requested to issue ex-parte injunction restraining him from alienation of suit property.

3] On perusal of record it shows that, plaintiffs has filed 7/12 extract in which name of the defendant No.1 is entered in the column of cultivation. But there is nothing on record to show that, defendant No.1 is going to alienate suit properties. It is the general rule that other side must be heard and ex parte injunction may be issued only under exceptional circumstances when the urgency is made out. But considering the pleading of the plaintiff this is not fit case to issue ex-parte injunction as the urgency is not made out. Hence, I proceed to pass following order :-

ORDER

- 1] Issue show cause notice to the defendants as to why temporary injunction shall not be granted against them. Notice r/o 12/06/2023.
- 2] E.P. and S.B. allowed if prayed for.

Kurundwad.
Date : 06/05/2023.

Sd./-
(S. S. Ingle)
Civil Judge J. D.,
Kurundwad.