

MHLA010048392025



**M.C.A. No.100/2025
Rajeshwar V/s. Sanjay & ors.
CNR No. MHLA010048392025**

ORDER BELOW EXH.5.

The learned counsel of appellant is pressing for an ex-parte ad-interim injunction against defendant No.5 and 6. It is his contention that the suit was filed against defendant No.1 to 6 for declaration of ownership and particularly against defendant No.5 and 6 for cancellation of their sale deed executed by defendant No.4. Learned trial court vide order dated 26/09/2025 partly allowed the application of the plaintiff and pleased to grant temporary injunction against defendant No.1 to 4 only, restraining them from creating third party interest in suit property. In para 13 of the order, it is observed by learned trial court that as possession appears to have been given of 10 R. land to defendant No.5 and 6 by defendant No.4, injunction in respect of possession can not be granted. But no reason is assigned as to why injunction restraining them not to alienate is not granted. In this background, ex-parte ad-interim injunction is granted against defendant No.5 and 6 restraining them not to create third party interest in the land 0 H. 10R. described in the sale deed No. 3107/2023 out of the suit land.

2. As far as the prayer for temporary injunction to restrain them from interfering in the possession is concerned, I think that they are necessary to be heard before passing any order in that respect.

3. Issue show cause notice to defendant No.5 and 6 as to why the temporary injunction granted as per above clause No.1 should not be confirmed further.

4. The appellant shall comply Order-39, Rule-3 of the Code of Civil Procedure.

Date : 29/10/2025
Place : Latur

(Vidyadhar S. More)
Adhoc District Judge-1, Latur