



Reg. Civil Suit No.138/2025
Dharmaji Vs. Pandurang & ors.

ORDER BELOW APPLICATION FOR AD INTERIM INJUNCTION (EXH.5)

1. Perused the e-filed application and the record. In the instant suit the plaintiff has filed an application for ad interim *ex parte* temporary injunction. The suit is for declaration and partition of the suit property. Learned advocate Smt. D. N. Udbale for the plaintiff has argued with vehemence that defendants have been trying to alienate the suit property. More particularly, he went on to submit that the defendants have got partitioned the suit property behind his back and prior to this also they have alienated some portion from the suit property. Now they are in a haste to alienate the suit property. Ultimately he has submitted that if the defendants are not restrained by order of injunction they would succeed in their illegal attempt ensuing such a loss which can not be compensated in terms of money.

2. I have considered the above submissions vis-a-vis record. Considering the same reveals that the apprehension of the plaintiff is not much justified just because mere making averments as to the defendants are trying to alienate the suit property without substantive base cannot be relied upon. Thus, it is observed that in the instant case the averments as to alienation of the suit property at the instance of the defendants are made only for the sake of making it. Thus, I am satisfied that there is no extra ordinary urgent situation in the matter. Thus, I hold that the instant case, do not fall under the extreme urgent situation as laid down in the case of **Ramrameshwari Devi and others Vs. Nirmala Devi and others (2011) 8 SCC 249**. In the result, I do not think any urgent and exceptional circumstances in the instant matter so as to pass order without the defendants being heard. Thus, before passing any order it

would be proper to give an opportunity to other side of being heard. In the result, following order :

ORDER

- 1) Issue notice to the defendants as to why the ad-interim injunction as prayed is not granted.
- 2) E. P and S. B. allowed, returnable on 29.03.2025.

(Since the instant suit is e-filed, this order is directly uploaded without getting its printout.)

Place : Udgir.
Dated : 12.03.2025

(Bhalchandra R. Zende)
4th Jt. Civil Judge (J.D.),
Udgir.