

MHLA110001722023



**Order below Exh.5 in RCS No.159/2023**

**Bhagwat Vs. Vyankat**

This is a suit for partition and separate possession. By this application plaintiff has requested for granting temporary injunction thereby restraining defendant no.1 from alienating or creating third party interest in the suit land, described in para No.2 of the plaint. Perused application and documents on record. Heard learned advocate Shri.Jagdale for plaintiff at length, who submitted that defendant No.1, with a view to deceive plaintiff and to avoid his share in the suit land, has sold 80 R area to defendant No.5 without any consideration. He drawn my attention towards the photocopy of mutation entry No.373 filed by plaintiff at list below Exh.4/3 and submitted that this entry clearly shows that the suit land is ancestral property of plaintiff and defendants and thus, it is necessary to protect the share of plaintiff in it. The 7/12 extract of the suit land filed by plaintiff at list below **Exh.4/1** clearly shows that defendant No.1 is the owner of the suit land. From the photocopy of M.E.No.373 it is clear that the suit land is ancestral property of plaintiff and defendants. However, it is pertinent to note that plaintiff has failed to seek the relief of perpetual injunction. In the absence of substantial/final relief an interim relief cannot be granted. Thus, I find it necessary to hear the other side before passing any order against them. Hence, I pass following order:-

**ORDER**

Issue show cause notice to defendants R/o.10/03/2023.

Date :21/02/2023

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.