

ORDER BELOW EXH. 5 IN R.C.S. NO. 11 OF 2021
RADHA AND ANOTHER VS ANTRAM AND ANOTHER
(CNR NO. MHLA130000712021)

01. The plaintiffs have filed the suit for partition and separate possession and for perpetual injunction. Wherein they have filed the present application for grant of ad-interim ex parte injunction against the defendants not to create any third party interest and not to dispossess them from the suit properties.

02. Heard learned advocate for the plaintiffs. It is the case of the plaintiffs that, the plaintiff no. 1 is daughter of defendant no. 1 and plaintiff no. 2, whereas the defendant no. 2 is son of defendant no. 1 born to him from his first wife. Plaintiff no. 2 is legally wedded wife of defendant no. 1 after the death of his first wife.

03. That, following are the house properties as under :

A] Open plot alongwith house property constructed on private plot no. 17 assign with Grampanchayat House No. 2923 of village Renapur from and out of land gat no. 1064 adm. East-west-15 mtr and south-north 12 mtr. situated at opposite Shivaji Collage, Renapur bounded as under :-

Towards East :- plot no. 18

Towards West :- 6 mtr. Raod

Towards South:- Plot no. 15 and 16

Towards north :- 6 mtr Road.

B] House property assign with G.P. house No. 554 out of gat no. 181 adm. East-west 33 ft. and south-north 33 ft. Situated at Ghodala Tq. Renapur dist. Latur which is bounded as under :-

Towards East :- G.P. Raod

Towards West :- Gavthan

Towards South :- Remaining land of original owner

Towards north :- remaining land of original owner.

C] Property bearing southern side part of private plot no. 8 situated within the local limits of Municipal Corporation Latur out land sy. no. 268 adm. East-west 50 ft. and south-north 20 ft. purchased vide sale-deed dated 29-11-1999 in the name of defendant no. 2, situated near Basweshwar Collage Society at Latur, Tq. & dist. Latur.

The above described house properties are the subject matter of the suit herein after called as “**Suit Properties**”.

04. According to plaintiffs, the suit properties are joint family ancestral properties of plaintiffs and defendants. According to plaintiffs suit property no. A was previously owned by grandfather of plaintiff no. 1 namely Jagannath he purchased the said property by way of sale-deed dated 25-07-2003. After his death the being an ancestral property it was necessary record the name of all the heirs but defendants in collusion with revenue officer and without obtaining legal heirship certificate they succeeded to mutate the name of Parvatibai i.e. grand mother of plaintiff no. 1 to the Grampanchyat record. Thereafter, as there were some matrimonial dispute pending between plaintiffs and defendant no. 1 therefore, in order to evict the plaintiffs from the house property at Renapur defendants in collusion with Parvatibai got executed false sale-deed in favour of defendant no. 2. also the house property no. B and C also illegally mutated in the name of defendant no. 2. According to the plaintiffs the partition has not been taken place. According to the plaintiffs they came know that, defendants are trying to create third

party interest over the suit properties and trying to dispossess the plaintiffs from the suit properties hence they have filed the present application.

05] After hearing the learned advocate of plaintiffs I have gone through the documents filed on record by the plaintiffs after perusal of documents it is seen that, all the properties are stands in the name of defendant no. 2. Whether these properties are ancestral joint family properties are not it will be decided after evidence adduce by both the parties. The plaintiffs have not brought on record anything which prima facie shows that, the defendants are trying to create third party interest in the suit properties. Further it is seen that, the plaintiffs have not brought on record any documents which prima-facie shows that, they are in possession of suit properties. Therefore, it is necessary to give an opportunity to the defendants before passing any order as to injunction . Hence I proceed to pass following order :-

ORDER

01. Issue show cause notice to the defendant as to why ad-interim ex-parte injunction should not be granted against them returnable on 26/02/2021.
02. Special bailiff is allowed if necessary.

SD/-

Date :- 01.02.2021
Place :- Latur.

(Omprakash M. Mali)
Civil Judge, Jr. Division, Renapur.