

ORDER BELOW EXH.05 IN R.C.S. NO. 81/2021

(Lilavati Vs. Nivratti + 11)

1] Perused application and the documents filed in support of the application. The application is supported by an affidavit of the plaintiff/ applicant. Heard, Shri. D. T. Sarwade, learned advocate for the applicant. Applicant is seeking ad interim ex-parte temporary injunction on the following amongst other grounds.

2] It is the contention of the applicant that, she is having undivided share in the suit property, belonging to the Joint Hindu family comprising of herself and Defendants/Respondents no. 1 to 10. Respondent no. 1 is her father. Defendants/Respondents no. 2 to 10 are other family members. It is further contended that, respondent no.11 and 12, who are strangers to the family, have purchased ancestral joint family property. The said transaction took place behind the back of present applicant and she had never consented for the same. It is further submitted that, she learnt that,respondent no. 1 and also the other family members are about to alienate the suit property and leave for Pune. The plaintiff being family member has undivided share in the suit property. In case the Defendants/Respondents succeeded in their attempt to dispose of/ alienate the family property, the plaintiff will suffer irreparable loss. Prayed to grant ad interim ex- parte temporary injunction.

3] The suit is for partition and separate possession. The suit property is agricultural land. The plaintiff has sought injunction against the defendants /respondents no. 1 to 10, who are

admittedly the family members of the family to which plaintiff also belongs. It has to be remembered that the suit is for partition and separate possession. The Defendants/Respondent nos. 1 to. 10 are the family members. As on today the plaintiff is not in actual possession of the suit property. Therefore, in regard to the nature of the suit and the property involved in the present suit and the relation between the parties, it would not be proper to grant ad-interim ex-parte temporary injunction. Hence, in the circumstances following order is passed.

ORDER

1. Issue notice to defendants/respondents calling their say as to why ad interim temporary injunction as prayed for by the applicant/ plaintiff shall not be granted.
2. In case the applicant/ plaintiff wants to avail it, emergent process and special bailiff, shall stand allowed.
3. Notice returnable on 20-07-2021.

SD/-

(R. B. Hanwate)

Date.29.06.2021.

**CIVIL JUDGE JUNIOR DIVISION
RENAPUR**

