



R.C.S. No. 569/2025

Narayan Vs. Muktabai and Ors 04

MHLA140023482025

ORDER BELOW EXH. 05.

This is an application filed by the plaintiff for grant of ad-interim i.e. to restrain defendants from alienating and creating any third party interest over the suit property in any manner.

2. Learned Advocate of plaintiffs submitted that, the suit property is their ancestral property. Therefore, plaintiffs filed present suit for partition and cancellation of gift-deed. Record goes to show that there is immediate threat of alienating and creating third party interest over the suit property. Therefore, this is exceptional and rare case to grant ex-parte injunction against the defendants from alienating and creating third party interest over the suit property. Accordingly, he prayed to grant the status-quo i.e. to restrain defendants from obstructing and interfering over the suit property.

3. Perused the contents of application. Heard learned advocate for the plaintiff. Application for temporary injunction filed by the plaintiffs is also pending for consideration. Therefore, considering the nature of relief claimed and nature of allegations, it is prima-facie shown that, there is exceptional and compelling circumstances to grant status-quo in terms of alienating and creating any third party interest over the suit property. Accordingly, I hold that application deserves to be granted in the interest of justice. With these reasons I proceed to pass the following order :-

:: ORDER ::

- 1] Exparte ad-interim injunction i.e. defendants are temporarily restrained from alienating and creating any third party interest over the suit property in any manner is granted till next date.
- 2] Issue show cause notice against the defendants why temporary injunction shall not be granted in favour of the applicants. Notice returnable on 20/08/2025.
- 3] The plaintiffs shall comply Rule 3 of Order XXXIX of the Code of Civil Procedure.
- 4] E.P. & S.B. allowed if prayed/claimed.

Ausa
Dt. 07/08/2025.

(Smt. S. D. Sabale)
2nd Jt. Civil Judge J.D., Ausa.