

MHLA170000132026



Order below Exh.08 in SPL.C.S. No.2/2026.
Naimoddin Chandsab Shaikh Vs Vandana Lakshmikant Potdar
(Order passed on 17th January, 2026.)

The plaintiff has filed application seeking ad-interim ex-parte injunction against defendant under Order XXXIX Rule 1 and 2 of the Civil Procedure Code. It is submitted by the plaintiff that, he has filed the suit for execution of registered sale deed by the defendant in favour of plaintiff of the suit property and its possession. It is further submitted by the plaintiff that, defendant agreed to sell the suit property to the plaintiff according to agreement to sell for consideration amount of Rs. 31,25,000/-. The plaintiff paid earnest amount of Rs. 5,00,000/- to the defendant. Thereafter, the defendant failed to execute registered sale deed in favour of plaintiff according to the agreement to sell. The defendant is trying to alienate the suit property to third person. Hence, the plaintiff prayed to allow his application.

2. Heard learned counsel for the plaintiff. He argued that, it is urgent necessity of the plaintiff for grant of ad-interim injunction against defendant from alienating the suit property. If the suit property is alienated to any third person it will cause to huge loss to the plaintiff which cannot be compensated in terms of money. He further argued that, though there is Caveat filed on record ad-interim

ex-parte injunction can be granted in favour of plaintiff considering the *prima-facie* case of the plaintiff and urgency. Hence, he prayed to allow the application.

3. The record reveals that, defendant has filed Caveat bearing No. 1/2026. Therefore, it is necessary to hear defendant before passing any order against defendant. Hence, the application of ad-interim ex-parte injunction is filed by the plaintiff is liable to be rejected. Hence, I pass following order:-

ORDER

The application is rejected.

Place:-Ausa.
Date : 17.01.2026.

(P. I. Mokashi)
Civil Judge, Senior Division,
Ausa.