

**ORDER BELOW EXH.NO.08 IN SPL. C. S. NO.31/2025**

(Mujjaffar Shaikh Vs. Maheboob Siddiqui)

(Passed on this 30<sup>th</sup> *Day of October, 2025*)

CNRNO.MHLA170006242025

The plaintiff has filed application praying for ad-interim ex-parte injunction against the defendant. It is submitted by the plaintiff that, defendant is the owner of 27 H land out of 8 H 0.5 R land situated in survey No.264 at Ausa, Dist. Latur. The defendant has agreed to sell 25 R land out of 27 R land to the plaintiff. The defendant has executed agreement to sell on 24/01/2025. The consideration amount for said transaction of 25 R land situated in survey No. 264 was fixed to Rs.80,00,000/- out of which the plaintiff paid earnest amount of Rs.20,00,000/- to the defendant and remaining amount of Rs. 60,00,000/- was to be paid at the time of registration of sale deed. However, the defendant by one of the other reason is not executing the sale deed in favour of the plaintiff and he is trying to sell the said land to third person. Hence, it is prayed by the plaintiff that, the defendant be temporarily restrained from selling the 25 R land out of 27 R land situated in survey No. 264 at Ausa, Dist. Latur.

2.. Heard learned counsel for the plaintiff. He argued that though the agreement to sell dated 24/01/2024 is unregistered it can be considered in evidence in view of ratio laid down in the case of *R. Hemlata Vs. Kashthuri by the Honourable Supreme Court 2023 AIR (SC) 1895* and *Muruganandam Vs. Muniyandi (Died) through LR's 2025 (3) CTC 316*. Wherein Honourable Supreme Court has held that, as per the proviso of Section 49 of the

Registration Act the unregistered agreement can be considered in the evidence in the suit for specific performance. The plaintiff has filed original unregistered agreement to sell along with the receipt of Rs. 20,00,000/- issued by the defendant. Therefore, in view of above discussed cases and apprehension of the plaintiff that the defendant will sell the land admeasuring 25 R land out of 27 R land situated in survey No. 264 at Ausa, Dist. Latur to any third person, the application is liable to be allowed. Hence, I pass following order:-

**ORDER**

1. The application is allowed.
2. Ad-interim ex-parte injunction is granted in favour of the plaintiff restraining the defendant from selling the 25 R land out of 27 R land situated in survey No. 264 at Ausa, Dist. Latur to any third person till his appearance before the Court.
3. Issue notice to the defendant, returnable on 15.11.2025.
4. E.P and S. B. is allowed, if any.
5. The plaintiff shall comply with Order XXXIX Rule 3 of the Civil Procedure Code.

Date:-30.10.2025.  
Place:- Ausa.

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