

MHNG090044582022



**Spl.Civil Suit No.80/2023
Ravindra Vs. Gitabai**

ORDER BELOW EXH.5
(Passed on 13th July 2023)

This is an application filed by the plaintiff in a suit for Specific Performance of Contract and Permanent Injunction along with this application for grant of ex-parte temporary injunction against the defendant as per Order XXXIX Rule 01 and 02 of the Civil Procedure Code. It is the contention of the plaintiff that, defendant is owner of plot admeasuring 3600 Sq.Ft. and the house constructed on it bearing property No.2054 situated at Khasra No. 60/2, Patwari Halka No.19 Mauja, Kalmeshwar, Brahmni. The defendant has executed agreement to sale in favour of the plaintiff after receiving an earnest amount of Rs. 10,00,000/-. Now the plaintiff has come to know that defendant is going to create a third party interest. Hence, he prayed to grant ex-parte temporary injunction. Granting an ex-parte temporary injunction is an exception whereas notice is a rule at this stage the plaintiff has not bring his case under the exception hence, issue show cause notice to the defendant as to why the ex-parte temporary injunction is not be granted as prayed returnable on 14.08.2023.

Date : 13.07.2023
Saoner.

(S. A. Sardar)
Civil Judge Senior Division,
Saoner, Dist. Nagpur.

CERTIFICATE

I affirm that the contents of this PDF file of order are word to word as per original order.

Smt. A. J. Chichate
Stenographer(Grade-II)