

**ORDER BELOW EXH- 05 IN REG. CIVIL SUIT NO.34/2022**

(Date- 02.05.2022)

This is an application filed by the plaintiffs for grant of ex-parte ad-interim injunction restraining the defendants from creating third party interest over the suit property. Heard Ld. Counsel Shri.M.R.Charde for the plaintiffs. The record has been carefully and thoroughly perused. The learned counsel for the plaintiffs submitted that the deceased Mahadeo has executed Will in favour of defendant nos.1 and 2 to 5 of 1500 sq.ft. area of the suit property. But the defendant by playing fraud mutated their names in the whole area of the suit property i.e. 3000 sq.ft. Now the defendants are trying to sell out all area of the suit property. Hence, he prayed to grant ad interim temporary injunction.

2. Admittedly on careful perusal of alleged Will filed at Sr.No.8, it is prima facie shown that by said Will only 1500 sq.ft. area of the suit property has been transferred in favour of the defendants. On perusal of tax assessment copy filed at Sr.No.7, it is shown that the suit property is mutated in the name of defendant nos.1 and others and having 3000 sq.ft. Hence, at this stage, considering the facts and circumstances of the present case and considering the case of plaintiffs that the defendants are trying to alienate the suit property, I hold that there is immediate threat of alienation. Accordingly, I hold that the present case is fit case to grant ad-interim ex-parte temporary injunction, as no prejudice would be caused to other side. Hence, I proceed to pass the following order-

**ORDER**

1] The defendants shall not create third party interest over the suit property in any manner, till their appearance in this matter.

2] Issue notice to the defendants as to why temporary injunction should not be granted in favour of plaintiffs, returnable on 10/06/2022.

- 3] The plaintiffs shall comply the provisions of Order 39 Rule 3(a) of Civil Procedure Code.
- 4] E.P. & S. B. allowed on payment of necessary charges.
- 5] This Order will have effect after service of notices.

Narkhed  
Dt. 02.05.2022

( Nitesh B. Rathod ),  
Civil Judge (J.D.), Narkhed.

Argument heard on	02.05.2022
Order passed on	02.05.2022
Transcription ready on	02.05.2022
Order checked and singed on	02.05.2022

### **CERTIFICATE**

I affirm that the contents of this P.D.F. file of order are word to word correct, as per original order.

**Name of Stenographer**-A.Y.Kulkarni (Gr.-III)