

Order Below Exh. 5

Ashiyana + 1..Vs.. Ayub + 1

This is an application filed by plaintiff for ad-interim temporary injunction restraining the defendants from alienating or creating third party interest in the suit property.

2. I have heard learned advocate for plaintiff. He submitted that plaintiff no. 1 is a legally wedded wife of defendant no.3. They have strained relationship between them. However, on 01/08/2023 the defendants given oral Hiba of the suit property in favour of plaintiff no.1. Accordingly, she was in possession of the suit property. However, the defendants dispossessed the plaintiff from the suit property and threatened her to alienate the suit property in order to avoid and denied her interest. Hence, plaintiff prayed that ad-interim ex-parte temporary injunction may be granted till appearance of defendants.

3. Considered submissions. Perused the record. Considering the circumstances, it is necessary to hear defendant before deciding the instant application. *Prima-facie* it is seen that, there is no exceptional and compelling circumstances to

grant ad-interim temporary injunction. *Prima-facie* there is no emergent need to allow this application without hearing the defendants. The prayer of the plaintiff can be considered after hearing the other side. Therefore, at this stage it would be proper to issue show-cause notice to the defendants. Hence, the following order is passed :

ORDER

1. Issue show cause notice to defendant as to why temporary injunction as prayed should not be granted in favour of plaintiff.
2. Special bailiff and emergent process is allowed if required.

Returnable on 14.01.2025.

Date : 02.01.2025

(P. D. Kolekar)
Civil Judge Junior Division.,
Pimpalgaon(B.)