

**ORDER BELOW EXH. 17**

**Gulab and others V/s Rakhmabai and others**

Read the application and say filed by defendants. Perused record. Heard both the Counsels.

2] This is a suit for injunction. Wherein application for temporary injunction is filed.

3] It is submitted on behalf of applicant that, during the pendency of suit, respondent No. 6 has sold out property to one Manik Piraji Chavan. Now, Manik Piraji Chavan has filed an application before, Hon'ble Tahasildar for mutation of suit property in his name. Hence, the present application is filed seeking injunction against respondent No. 6 and 7 that, they should not alienate the suit property or create third party interest till the decision of the suit.

4] Application is resisted. It is submitted on behalf of respondent No. 6 that, application filed under Order VII Rule 11 is pending. Till the decision of that application at exh. 21, it would not be proper to pass any order on this application and lastly prayed to reject the application.

5] Perusal of record shows that, Manik Piraji Chavan i.e. subsequent purchaser is added as respondent No. 7 in this suit. Despite of service of summons, he remain absent and therefore, suit is ordered to be proceeded ex-party against respondent No. 7.

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(CNR No.MHNS13-000121-2018)

6] Proceeding for mutation in respect of suit property is going on before Hon'ble Tahasildar. Once the property is mutated in the name of respondent No. 7 there is every possibility of alienation or creating third party interest in the suit property. Hence, I am inclined to allow the application and in result following order is passed.

**ORDER**

- 1] Application Exh. 17 is partly allowed.
- 2] Responded No. 7 is directed not to alienate or create any third party interest in the suit property till the decision of the suit.

Sd/-xxx  
(Vijay C. Gawai)  
Civil Judge Junior Division,  
Pimpalgaon (B.), Tal. Niphad,  
Dist. Nashik.

Date : 12/04/2019