

**THE COURT OF ADDITIONAL SESSIONS JUDGE, YEOLA,
DIST – NASHIK
(Presided over by Shri. M. I. Lokwani)**

Misc. Civil Appeal No. 24/2025

ORDER BELOW EXH.05

1. Perused application and gone through the record and also perused order passed below Exh.5 in RCS No. 240/2025.

2. Perused Exh.5 of the present appeal wherein the appellants submitted that Exh.5 for temporary injunction filed in RCS No.240/2025 which allowed by Ld. CJD, Yeola wherein defendants are restrained from obstructing possession of the plaintiffs (Present respondent Nos.1 and 2) in the suit property without following due process of law.

3. From record it appears that present appellants have filed several affidavits and also filed the copy of agreement to sell dated 15.11.2017 and 12.11.2018. Advocate of appellant also pointed out the order of Nayab Tahadildar, Yeola. Perused the aforesaid affidavit, documents and also perused copy of registered sale deed dated 26.07.2024 which shows the present respondents purchased the suit property and become owner and possessor of the suit property. On the other hand, present appellants failed to produce any documentary evidence on record to show that they are in possession of the suit property. It is further noted that the agreement to sell executed on dt:15.11.2017, nowhere disclose that possession handed over to the

appellants. Similarly there is no other document to show that present appellants are in possession of the suit property. On the contrary, mutation entry and registered sale deed executed in favour of present respondent prima facie disclosed the possession and ownership of the respondents. It is well settled that documentary evidence always prevails over the oral evidence and affidavit which are produced by the appellants therefore, at this stage, this Court has not found sufficient substance to grant stay order in favour of the applicant. Hence, application below Exh.5 for stay deserves to be rejected. Hence, I proceed to pass following order :

ORDER

- 1) Application below Exh.5 for stay is rejected.
- 2) No order as to costs.
- 3) Application below Exh.5 is disposed off accordingly.
(Order is dictated and pronounced in Open Court)

Date :13-10-2025

**(M.I. Lokwani)
District Judge-1, Yeola.**