

Order below Exh. 244 in Spl.C.S. No.152/2023
(Anil Vs. Gopinath and Ors.)

Heard the plaintiff in person, and learned counsel for defendant Nos.8 and 9. The plaintiff asserting his share in the suit properties filed the suit is for partition with declaration as to illegality of four registered partition deeds dated 25.07.2011, and various alienations of the suit properties inter-se the defendants. It is the case of the plaintiff that partition deeds dated 25.07.2011 came to be obtained by the co-sharers by playing fraud upon them. The plaintiff apprehended alienation of the suit properties by defendant Nos.8 and 9. It to be noted that, the factum of whether the aforesaid partition deeds are fraudulent or not could be considered on merit. Further, except bare words, there is nothing with the plaintiff to show that defendant Nos.8 and 9 intend to alienate the suit properties. He just produced a public notice issued by him on 23.09.2023 making aware the public at large that he has interest in the suit properties, and none from the public shall purchase them. Under such circumstances, it would not be just to pass any ad-interim ex-parte restrainth order against defendant Nos.8 and 9 without having their say on record. The learned counsel for defendant Nos.8 and 9 sought short time to file say for defendant No.8 and 9 and argue the application on merit. Hence, the matter is kept on 07.10.2023 for having say of defendant No.9, and argument on present application. The date is kept with the consent of the plaintiff and the learned counsel of the defendant Nos.8 and 9.

Sd/-xxx

(M. M. Gadiya)

Date :- 26.09.2023.

Civil Judge, Sr. Div., Sinnar.

