

MHPA110004862024



ORDER BELOW EXH.05.

The plaintiff has filed the present application and prayed for granting *ex-parte ad interim* temporary injunction restraining the defendants from unlawfully obstructing plaintiff's peaceful possession over the suit property.

02. The plaintiff has come with the case that she is the owner and possessor of the suit property. She purchased the same from defendant no.1 vide the sale-deed dated 19.05.2022. Accordingly, her name was came to have been mutated vide the mutation entry no.3985 dated 13.06.2022. However, the defendants are unlawfully obstructing her peaceful possession over the suit property. Hence, prayed accordingly.

03. Perused the application along with record. Heard the Ld. Advocate for plaintiff. The application is supported by an affidavit. The perusal of sale-deed and mutation entry no.3985 transpires that plaintiff has purchased the suit property from defendant no.1 vide the sale-deed dated 19.05.2022. Thus, prima-faciely she appears to be the owner and possessor of the suit property. Therefore, her proprietary rights are required to be protected. Therefore, if the apprehension of plaintiff comes true, she would be deprived of her lawful right and share. Accordingly, I hold the plaintiff entitled for interim protection against the defendants. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The defendants are temporarily restrained from unlawfully obstructing plaintiff's peaceful possession over the suit property, till their filing of say/written statement.
- (iii) Plaintiff to comply with the provisions of Order 39 Rule 3 of the Code of Civil Procedure.
- (iv) Issue notice to the defendant returnable on **08.05.2024**.
- (v) S.B. and E.P is allowed if prayed.

Date: 02.05.2024

(**A.R. Sayed**),
Civil Judge, Senior Division,
Gangakhed.