

MHPA110006492024



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 alienating the suit property.

02. The plaintiff has come with the case that the suit property is ancestral property of plaintiff and defendants. She is the widow of Jaypalsing Thakur who died on 14.02.2021. The defendants got executed illegal Will-Deed at the instance of Late Jaypalsing. The plaintiff has 1/3rd share in the suit property. The defendants have denied plaintiff's lawful share. They intend to sell out the suit property deprive the plaintiff from her lawful share. Hence, she 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 record reveals that some of the suit properties came to have been mutated in the name of Late Jaypalsing along with co-defendants. Thus, the suit property appears to be ancestral property of plaintiff and defendants. However, the succession entry yet to be taken in the name of plaintiff being the legal heir of Late Jaypalsing. The partition of suit property is yet to be taken place. So the preservation of suit property is necessary one for further unwanted transactions.

Spl.C.S.No.53/2024,
Sunita Vs. Rajpalsing & Ors.,
C.N.R.NO.MHPA110006492024.

Therefore, instead of restraining the defendants, passing status-quo order would meet the ends of justice. Accordingly, I pass the following order.

ORDER

- (i) The application is partly allowed.
- (ii) The defendants are directed to maintain status-quo order in respect of 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 defendants returnable on **23.07.2024**.
- (v) S.B. and E.P. is allowed if prayed.

Date: 02.07.2024

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