

ORDER BELOW EXH. 5

1. Read application supported by affidavit. Heard learned advocate from Shri. M.B. Jaygude on above of plaintiff. Perused documents filed with suit. Learned advocate submitted that plaintiff and defendant are brother in law. In the year 1995 plaintiff's father was in need of money. Therefore, disputed sale deed dated 03/08/1995 was executed only as security to hand loan. Till today possession of disputed property is not handed over to defendant. Plaintiff is also residing in suit block No. 132 situated at village Shivre, Tal. Bhore, Dist. Pune. Now defendant is demanding more amount. Plaintiff is unable to satisfy his demand. Therefore defendant is doing act for selling land 0H 6R as per above referred sale deed. Therefore, he prayed for ad-interim injunction only to the extent of non alienation.

2. On perusal of 7/12 extract of suit block No.132 it seen that name of defendant is appearing to the extent of 0H 6R. Defendant is relative of plaintiff. Thus, he is stranger to the suit property. As mentioned in the plaint, it prima-facie appears that suit property is ancestral property of plaintiff. It is the contention of plaintiff that he is residing suit block No. 132. Whether defendant has obtained possession as per law or not, is not question to be taken into consideration at this stage. As defendant is stranger and suit property is ancestral property, therefore prima-facie plaintiff has made out case. If relief as prayed not granted, plaintiff will suffer irreparable loss as compared to defendant. In the result following order is passed.

ORDER

- 1- Ad interim exparte temporary injunction is granted till 11/09/2019 and hereby defendant is restrained from alienating the suit property admeasuring 0H 6R by taking aid of sale deed No. 1171/1995 dated

03/08/1995 in respect of Block No. 132 situated at Shivre, Tal.Bhor,
Dist.Pune.

- 2- If defendants is aggrieved by this order, he will be at liberty to apply for its cancellation, alteration or modification subject to notice to plaintiff or his advocate.
- 3- Plaintiff to comply provision of O.39 R.3 and file affidavit in compliance of it.
- 4- Issue Show cause Notice to defendant as to why temporary injunction should not be granted as prayed returnable on 11/09/2019.
- 5- Defendant is residing at Pune, therefore it is duty of plaintiff to get summons service on him till 11/09/2019, if the plaintiff fails to necessary steps on his side, adinterim relief stands vacated automatically.

Date :29.08.2019

(S.K.Mule)
Civil Judge Junieur Division, Bhor,
Dist. Pune.

"I affirm that the contents of this P.D.F file Oder are same word for word as per original Order.

Name of the Steno : Shri V.G. Fulari

Court Name : Shri. S.K.Mule

C.J.J.D., Bhor, Dist. Pune.

Date : 29.08.2019.

Order signed by presiding officer on :29.08.2019.

Order uploaded on : 30.08.2019.

