

ORDER ON EXH-5

1] This application is made by plaintiff under order 39 rule 1,2 of The Civil Procedure Code. Contending that, this suit is filed by plaintiff for Injunction and partition. Suit properties are originally owned by Subhedar Haribhau Gole. After his demise the name of defendant no. 1 mutated on the revenue record of suit property as joint family manager. The suit properties are joint family properties. The suit properties are yet not partitioned between plaintiff and defendants. Now defendants trying to sale the suit properties. If injunction not granted against defendants the irreparable loss would be caused to plaintiff. Plaintiff praying that, application may be allowed Ad-interim injunction may be granted against defendants for not to alienate the suit properties.

2] Heard Sri B. N. Pilane Adv. For the plaintiff. He submitted that, Recently plaintiff knows that, defendant executed the agreement to sale. If defendant succeeds to sale the suit properties, it would cause loss to plaintiff. Hence injunction order be passed against defendants.

3] Plaintiff scared about defendant will sale out the suit property. Plaintiff on oath stating that, defendant trying to sale out the suit properties. In this situation for avoiding complications it will be proper to restrain defendants by way of temporary injunction

from alienating suit properties.

4] It appears that, the object of granting the injunction would be defeated by the delay,

Hence I pass the following order.

ORDER

1. Issue ex-parte temporary injunction restraining the defendants from alienating suit properties till they appears and file their say to the application for temporary injunction.
2. Issue show cause notice to defendants as to why ex-parte injunction should not be continued till further order or specified time, R/O 08/04/2019.
3. Special bailiff is allowed.
4. Plaintiffs shall comply with the provisions of Order 39 Rule 3 of C.P. Code.

Saswad
Date:- 08/03/2019

[V.B. Salunke]
Civil Judge Junior Division
Saswad

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original order.

Name of Steno : Mr. K. N. Chopade, Stenographer
(L.G.)

Court Name : V.B.Salunke
Judicial Magistrate First Class Saswad.

Date of Judgment : 08/03/2019

Judgment signed by presiding officer on : 08/03/2019

Judgment uploaded on : 11/03/2019