

ORDER PASSED BELOW EXH. 5 IN R.C.S. NO.83/2024

(Vilas Ramu Wadkar Vs. Pappu Nandkumar Wadkar etc. 3)

Read the plaint, application (Exh.5), affidavit and documents filed in support of application. Heard Learned Advocate Smt. N. S. Attar for the plaintiff.

2. It is the contention of plaintiff that, the suit is for perpetual injunction. Plaintiff, his brother and five sisters are legal heirs on the suit Gat numbers. His sister Harubai, Shakuntala, Tarubai are dead. They have legal heirs deceased Parubai and mother of defendant No.3, Tarubai executed sale deed of their share in suit properties in favour of plaintiff on 21/12/2015. Accordingly, plaintiff had filed application before Talathi to give effect of sale deed on 7/12 extract. However, plaintiff's brother had taken objection for the same. However, after proceeding before revenue authority name of plaintiff was entered for their share as per mutation entry No.13084. In such circumstances, taking disadvantage of name of mother of defendant No.3 on record, he executed sale deed on 29/02/2024 in favour of defendant Nos.1 and 2. As deceased Tarubai executed sale of her share in life time. Her legal heirs i.e. defendant No.3 has no right to execute sale deed for same property. Taking disadvantage of sale deed defendant Nos.1 and 2 are trying to transfer the property to third person. Hence, prayed for ad-interim injunction against defendant from any kind of transfer of suit property in respect of suit properties.

3. Perused the documents. Prima-facie it appears that, the

Gat No.1823 and 1791 are in common possession of many sharers. There is no partition of share of heirs of Ramu. On perusal of contention of plaintiff the situation of suit properties clears. At this stage considering facts of the case and situation of suit property, no urgency brought on record by plaintiff to show that, if ad-interim injunction not granted there will be irreparable loss of plaintiff which is essential ingredient for ad-interim injunction. Considering the facts on record, it will be just and proper to give opportunity to other side before any order in their absence. Hence, following order is passed :-

ORDER

1. Issue show-cause notice to the defendants as to why injunction should not be granted against them returnable on 24/04/2024.
2. E.P. and S.B. allowed if required.

Saswad.

Date : 30/03/2024

(Mrs. S. K. Deshmukh)

Jt. Civil Judge, Jr. Dn., Saswad.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

(a)	Name of the Stenographer	:	Mrs. S. R. Kamble
(b)	Court	:	Mrs. S. K. Deshmukh, Jt. Civil Judge, J.D.& J.M.F.C., Saswad.
(c)	Date of Judgment /Order	:	30/03/2024
(d)	Judgment /Order signed by P. O. on	:	30/03/2024
(e)	Judgment /Order uploaded on	:	30/03/2024