



RCS NO. 44/2021.

ORDER BELOW EXH. 29

Perused the application. Heard Ld.counsel for the plaintiff Shri. S.S.Gawade and Ld. Adv. for the defendants Shri. P.K. Kholam. The present suit is filed for partition, declaration and permnent injunction. In the present suit the plaintiff is brother of defendants. The present applicant containeded that, suit properties are joint family properties of the plaintiff and the defendants. The suit properties are owned and possessed in common by both the parties. The suit properties are not yet patitioned. However, the defendents are tring to alienate the suit properties. The defendants are causing obstruction for cultivation of suit properties to the plaintiff. Therefore, the plaintiff prayed for grant of status-quo against defendants for restraining them from alienation of suit properties.

2. The defendants contended that, the plaintiff in the original application for temporary injunction trade for retraining defendants from alienation of suit properties and in the present application they are praying for restraining defendants from causing obstruction to the plaintiff in the suit properties. The suit is required to be decide on merits after considering arguments and say on application for temporary injunction. Hence, prayed for rejection of present application.

3. In view of fact, documents on the record and submission of Ld. Advocates for both the parties prima faciae I find that, plaintiff is brother of

the defendants. The suit properties are joint family properties of the plaintiff and the defendants. The plaintiff merely submitted that, defendants are trying to alienate the suit properties. However, he has not made out prima facie case towards his contention. In absence of material on record towards attempt to alienate the suit properties by the defendants and without giving an opportunity to the defendants for being heard it would not be justifiable to grant the present application. Therefore, in the interest of the justice the present application is liable to be rejected. Hence, the order.

ORDER

1. Application is rejected.
2. Parties to take note accordingly.

Place : Daund.
Date : 08/02/2021.

(**A. A. Lagare**)
3rd Jt. Civil Judge, Jr. Division Daund
Tal. Daund, Dist. Pune.

CERTIFICATE

I affirm that the contents of this P. D. F. file Judgment are same, word to word, as per the original Judgment.

Name of the Stenographer	:	Smt. Kadam. P. D.
Court	:	Smt. A. A. Lagare , CJJD & JMFC, Daund, Dist. Pune.
Date	:	08/02/2021.
Judgment signed by the presiding officer on	:	09/02/2021.
Judgment uploaded on	:	09/02/2021.