

ORDER BELOW EXH. 5 REG.CIVIL SUIT NO. 468/2018

Perused the application. Heard learned counsel for plaintiff. The plaintiff sought the relief of partition along with declaration to the effect that the sale deed Dt. 21/07/1995 is not binding on her rights. The sum and substance of the contention of the plaintiff in regard to the suit property against the defendants that the defendant no. 1 without having any concern with the suit property and the deceased father of plaintiff, played fraud and brought into existence mutation entry no. 1573. So considering the very contention as to fraud against plaintiff at the instance of defendant no. 1, I viewed that at this stage it would not be proper to grant any interim relief without offering any opportunity to the adverse party of hearing. Thus, it would be always desirable to call the say of adverse party before passing any interim relief. After all it is quite essential to call the say of defendants under principles of natural justice. In this manner, it would be essential to issue notices to the defendants. Hence I pass the following order:

ORDER

1. Issue notice to defendants returnable on 26/11/2018.
2. EP & SB is allowed, if required.

Place: Daund,
Date : 17/11/2018.

Sd/-
(**S. D. Kurane**)
Civil Judge Jr. Division,
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	:	ATNURE M. C.
Court	:	Shri. S. D. Kurane, CJJD & JMFC, Daund, Dist. Pune.
Date	:	17.11.2018.
Judgment signed by the presiding officer on	:	17.11.2018.
Judgment uploaded on	:	19.11.2018.