

ORDER BELOW EXH.05 IN RCS NO.54/2018.

Vishakha Pravin Sawant-1.

Vs.

Nilin Harishchandra Tambe-1.

(सीएनआर क्र.MHRG13000-530-2018)

01. Perused records. Heard advocate for plaintiffs. Defendant No.1 has failed to appear in the matter, hence hearing of present application proceeded in his absence. Defendant No.2 appeared and filed his written statement at Exh.26. But he failed to file his say on the present application. Hence, the application proceeded without say of defendant No.2.

02. The present application therefore remained uncontested. On perusal of the documents and other records, it appears that the plaintiffs are having apprehension that the defendants by taking disadvantage of their name on 7x12 extract of suit property may alienate or by any other way transfer their rights in the suit property in favour of third party. Also the plaintiffs are apprehending that the defendants may expel the plaintiffs out of the suit property.

03. Prima facie it appears that the plaintiffs and the defendants both are having rights over the suit property. If the defendants alienate or sell out the suit property, it may create complications and multiplicity of proceedings. The prayer of the plaintiffs appear to be limited upto the purpose of non creation of third party interest in the suit property and to restrain the defendants from causing obstruction to the peaceful possession

of the plaintiffs.

04. No ground is brought forth by the defendants to disbelieve the plaintiffs in respect of their contentions. Their apprehension at this stage appears genuine. In view of the uncontested contentions of the plaintiffs and to preserve the suit property as it is till the final disposal of the suit, present application is required to be granted in favour of the plaintiffs. Hence, I proceed to pass following order.

:: ORDER ::

01. Application is allowed.
02. Defendants or any persons / agent on their behalf are hereby temporarily restrained from causing any sort of obstruction to the peaceful possession of plaintiffs over suit property till final disposal of the suit.
03. Defendants or any persons / agent on their behalf are hereby temporarily restrained from alienating the suit property by any way in favour of third party and thereby creating third party interest over the suit property till final disposal of the suit.
04. Costs of the application shall be in the cause.

Shriwardhan.
Date : 30.09.2022.

(S. D. Javalgekar)
Civil Judge Junior Division,
Shriwardhan.