

: ORDER BELOW EXH.5 IN REG. CIVIL APPEAL NO.9/2019 :

1) Heard Advocate Miss. Yelukar for the appellants/original plaintiffs. Perused the application and documents on record.

2) The Ld. Advocate for the appellants submitted that the defendants agreed to sell the suit land to the plaintiffs for consideration of Rs.12,00,000/-. They executed an agreement of sale dt.21.06.2012 by accepting earnest money of Rs.7,20,000/-. Remaining consideration amount of Rs.4,80,000/- was agreed to be paid at the time of sale-deed. Accordingly, defendant delivered actual possession of the suit property to the plaintiffs. According to Advocate for the appellants, at least, it was necessary to refund the earnest money of Rs.7,20,000/- to the plaintiffs. However, the Ld. Trial Court has dismissed whole suit. She submitted that if the defendants alienated the suit property, then great injustice would cause to the plaintiffs as they would not refund their earnest money.

3) Considering the facts & circumstances of the case and an apprehension of the appellants that the respondents will alienate the suit land during pendency of the appeal, it is necessary to pass ad-interim order to protect the interest of the appellants to some extent, otherwise great injustice would cause to them. Hence the respondents are hereby directed to maintain status-quo in respect of alienation of suit land till 24.04.2019. Issue show cause notices to the respondents as to why temporary

injunction, as prayed, should not be granted. The appellants shall comply O.39, Rule 3 of C.P.C.

Mangaon.
Date : 10.04.2019.

(R. V. Lokhande)
Adhoc District Judge-1,
Mangaon-Raigad