



ORDER BELOW EXH. 5

(Benitta Manvel D'souza etc. 3 Vs.
Louis Manvel D'souza)

1. Perused the application. Gone through the available documents. Heard Ld. Advocate Shri. R. L. Chaphekar for appellants.

2. It is the contention of appellants that, the suit properties are ancestral properties of appellants and respondent. The Ld. Trial Court has not considered the right of appellants and temporary injunction application is decided on the ground of delay. The appellants have challenged the alleged Will-deed, which is executed in favour of respondent. Appellants have not signed the alleged Will-deed. On the basis of Will-deed, the respondent is trying to obstruct, create third party interest in the suit properties. Therefore, if the ad-interim stay is not granted, then, injustice will be caused to appellants than the respondent. Therefore, they prayed for ad-interim relief against the respondent.

3. Considering the contention of appellants, the order of the Ld. Trial Court, at this juncture, before granting the ad-interim relief, it is necessary to hear the respondent. Therefore, in view of above discussion, the Court pass the following order:-

Misc. Civil Appeal No. 18/2026
CNR No. MHSI01-000495-2026

-: ORDER :-

Issue show-cause notice to respondent that, why the ad-interim relief should not be granted, as prayed.

Sindhudurg-Oros
Date : 04/05/2026

(S. S. Indalkar)
Adhoc District Judge - 1,
Sindhudurg-Oros.