

Order below Ex.5 in RCS 94/2024
Nirmala Vs Anusaya and Ors
(CNR No. MHSN080009342024)

The application is for grant of interim injunction restraining Defendant 2 from creating third party right, title, and interest in the Suit Property.

2 Perused the application, and the record.

3 Heard Ld.Advocate for the Plaintiff, at length.

4 It is settled law that for grant of ad-interim relief, an unexceptional case has to be made out on prima-facie consideration of the material on the record, wherein issuance of the notice to the other side would cause serious prejudice etc.,

5 From the prima-facie persual of the record, it may be said that the sale deed in favor of Laxman (Defendant 2) appears to have been executed on or about 26/04/2022 by Anusaya (Defendant 1) as an absolute owner of the Suit Property. The copy of which has been obtained on or about 22/08/2022. Therefore, it has been just and necessary to hear the other side. The contentions of the Plaintiff may be considered on short notice to the other side. Hence, the following

Order

Issue show cause notice to Defendant 2 as to why interim relief as prayed for should not be granted.

2 EP and SB allowed.

3 Service of notice by R.P.A.D humdas allowed, if required.

Jath
Date:-25/06/2024

(Sanjay P.Bunde)
Jt C.J.J.D, Jath