

ORDER BELOW EXH.24

IN

R.C.S.No.5 of 2021

(I A No. 02/2021)

This is an application for permission to 'not press' temporary injunction application by the plaintiffs.

2. It is submitted by the application that defendants have executed sale deed of suit property on 15.02.2021. Hence, though the arguments vide Exh.5 have been completed, due to said subsequent development, there is no purpose to prosecute the exhibit 5. Hence, plaintiffs have claimed the permission to not press Exh.5 application.

3. The application is challenged by defendants on the ground that there is no provision under the Code of Civil Procedure to file such application. It is stated to be not maintainable.

4. On the last date both the parties argued vide Exh.5 application. Today, matter was fixed for order vide Exh.5. But, during said period, there is a subsequent development and the copy of said sale deed is also produced on the record. Therefore, basically the Exh.5 application, so as to prevent defendants from creating third party interest has become infructuous. Therefore, the plaintiffs could have filed pursis regarding the same. This application is nothing but having same effect of pursis, so as to not prosecute the Exh.5 further. Therefore, in view of subsequent development as to said transaction relating to the suit property, permission can be granted to the plaintiffs so as not proceed further vide Exh.5 by not pressing it. Therefore, permission is granted accordingly.

Sd/-

(M.R.Jadhav)

Civil Judge Senior Division,
Pandharpur

Pandharpur
Date:-18.02.2021

CERTIFICATE

I affirm that, the contents of the this P.D.F file Order/Judgment are same word to word, as per the original order/ judgment

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Pandharpur
Date : 18-02-2021

Order/Judgment signed
by the Presiding Officer on : 18-02-2021

Order uploaded on : 18-02-2021