

ORDER BELOW EXH. 5 IN SPL.C.S. NO. 145/2018

1] Heard learned counsel for plaintiff at considerable length. Perused the plaint and the documents filed on the record . The learned counsel for the plaintiff prayed for ad interim ex parte injunction to restrain the defendant no.1 from alienating the suit properties to any third person. As per his submission after a death of his father he alongwith defendant no.1 and mother namely Savitribai succeeded the suit properties. The defendant no.1 relinquished her share. But the defendant no.1 suddenly after 15 to 16 years applied to mutate her name in the revenue record as a legal heir of Bajirao. The concern Sub-Divisional Officer by allowing the said application directed to record the name of defendant no.1 as a legal heir of Bajirao in the revenue record. As per his further contention till today the shares are not determined and he is in possession of whole suit property. The defendant no.1 taking benefit of revenue record may alienate the suit property to any third person. If she succeeded to do so it will deprive the plaintiff from his right. Therefore, he prayed to restrain the defendant no.1 from doing so.

2] I have given due consideration to the submission raised on the behalf of plaintiff. The suit land Gat no. 164/1/A/1 is recorded in the name of defendant no.2 who is the bank. Therefore, as the 7/12 extract shows the ownership of defendant no.2 of said suit land there is no question of apprehension of alienation of said suit land by defendant no.1. Now turning to the suit house property plot no.179 out of Gat no.18/20/21/108/110/113 it is pertinent to note here that it is recorded in the name of plaintiff. But now as per the order of Sub-Divisional Officer the name of defendant no.1 will be inserted in the revenue record. It is pertinent to note here that till today there is no partition of said suit

properties and the shares are not determined. If in such situation the defendant no.1 sold out the said suit house property then it may deprive the plaintiff from his right and may create further complication in the suit. Therefore, considering the said factual scenario I am of the considered opinion that it is necessary to direct the defendant no.1 to maintain status quo with regard to title of the suit property bearing plot no.179 till appearance before the court. Hence, for the said reason I proceed to pass the following order.

ORDER

1. The defendant no.1 is hereby directed to maintain status quo with regard to title of suit property bearing plot no.179 out of Gat no.18/20/21/108/110/113 situated at Isbavi Tal. Pandharpur by not alienating or transferring the same to any third person till appearance before the court.
2. Issue notice to defendant no.1 to show cause why this application shall not be allowed.
3. The plaintiff to comply Order 39 Rule 3 of C.P.C.

Date :- 17.11.2018.

(Rahul A. Shinde)
Jt.Civil Judge Sr. Division Pandharpur

CERTIFICATE

I affirm that, the contents of this PDF file Order are same word to word, as per the original Order.

Name of Stenographer : A.K. Vibhute

*Court : Jt. Civil Judge Senior Division,
Pandharpur*

Date : 17.11.2018

*Order signed by the : 17.11.2018
Presiding Officer on*

Order uploaded on : 26.11.2018