

RCS No.476/2022
Old RCS No.854/2018
Sudhir Yashwant Kulkarni
V. Bhauso Yashwant Kulkarni & Ors.8
CNRNOMHSO100018302022

ORDER BELOW EXH.54
(Passed on 29/06/2024)

This is application to restrain defendants No.6, 7 and purchaser Madhukar Kale from interfering in possession of plaintiff in the suit property. As per the application defendants No.6 and 7 executed sale deed in favour of Madhukar Kale. The plaintiff has apprehension that defendants No.6, 7 and Madhukar Kale will be create obstruction to possession of plaintiff. Therefore application may be allowed with interim order restraining defendants No.6, 7 and Madhukar Kale from creating third party interest in the suit property.

2. Heard learned advocate of plaintiff and defendants No.6 and 7. The suit is pending for partition with perpetual injunction. The plaintiff has submitted application Exh.52 for amendment in plaint and for addition for party to Madhukar Kale. As per submission of learned advocate of plaintiff till service of notice of this application Exh.52 Madhukar Kale will obstruct possession of the plaintiff over the suit property on the basis of sale deed. I agree with his submission. Madhukar Kale is third person who is stranger. Event though a sale deed in his favour but a joint possession of the suit property is not delivered to him. Therefore, defendants No.6

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and 7 are joint family members against them interest order will be not cause. But Madhukar Kale is stranger. Therefore, I pass the following order:-

ORDER

1. Till appearance of Madhukar Kale he is by ex-parte ad-interim injunction restrained from causing obstruction to possession of plaintiff over the suit property and he is restrained from creating third party interest to the suit property.
2. Issue notice of application Exh.52 to Madhukar Kale.

Sd/-

Date-29/06/2024.

(U.V.Joshi)

Civil Judge Senior Division, Malshiras.