

ORDER BELOW EXH. No. 05

(Date 26/09/2025)

The plaintiffs instituted this suit for declaration and injunction along with this application under Order 39 Rule 1 and 2 of the Code of Civil Procedure for grant of temporary injunction against the defendant No. 1 not to disturb peaceful possession as well as not to alienate the suit property.

Read application. Perused the record. Heard learned advocate Shri.R.M.Waghmode appearing for the plaintiffs. Prima facie it appears that, the suit property i.e. Gut Numbers are in the name of predecessor of plaintiffs. As per submission the defendant No. 1 has submitted Will of predecessor of plaintiffs and trying to mutate his name on 7/12 extracts. The suit is regarding challenge of will. The suit properties are necessary for final decision of suit. Prima facie the suit properties are in the name of Jaysing Tarase which means father of plaintiff No.1 & 2 and husband of plaintiff No. 3. The possession of plaintiffs needs to be protected. As per documents, defendant No. 1 is trying to make obstruction to the possession. If the defendant No. 1 is not prima facie restrained from obstructing peaceful possession, multiplicity of proceeding can be increased. Issue show cause notice to defendant No. 1 as to why temporary injunction should not be continued till final disposal of the suit. The defendant No. 1 is restrained from making obstruction to the peaceful possession of plaintiffs over the suit properties as well

as not to alienate or not to mutate his name over suit properties either by himself or by any other person till filing of say on this application.

Place : Malshiras.
Date : 26/09/2025.

(Aaditya A. Vyas)
2nd Jt.Civil Judge, Jr. Div.
Malshiras.

CERTIFICATE

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

- (a) Name of the Stenographer : S.T.Korbu
- (b) Name of the Court :2nd Jt. C.J.J.D & J.M.F.C Malshiras,
Dist - Solapur
- (c) Order signed by P.O. On : 26-09-2025
- (d) Order uploaded on : 26-09-2025