

**ORDER BELOW EXH.5**

Present suit is filed for declaration, partition and perpetual injunction. This application is moved for claiming the relief of temporary injunction that the defendants no.1 to 4 be restrained from transferring the suit property in any manner either by themselves or through anyone else acting on their behalf and should not disturb peaceful possession of the plaintiffs in the suit property, till final disposal of the suit.

2. The Learned Advocate for the plaintiffs vehemently argued for issuing *ex parte ad-interim* temporary injunction against the defendants no.1 to 4.

3. Heard detailed argument of learned Advocate for the plaintiffs. It *prima facie* transpired that landed property bearing Gat no.153/1 admeasuring 0H-97R situated at village Vadgaon Uttar, Tal.Karmala, Dist.Solapur is the suit property. It is averred that this suit property is the ancestral property of HUF of plaintiffs and defendants no.1 and 2. The plaintiffs and the defendants no.1 and 2 are cultivating the suit property in common. Sunil Bhima Thorat was husband of plaintiff no.3 and father of plaintiffs no.1 and 2. He died on 28.12.2025. Plaintiffs are his legal heirs. The defendants no.1 and 2 sold 40R out of the suit property to the defendant no.4 on 15.12.2025 to avoid the share of the plaintiffs in the suit property. Education, survival of the plaintiffs depends upon the income from the suit property. After death of Sunil, the plaintiffs arrived at their village Vadgaon Uttar on 12.01.2026. Then they came to know about the above mentioned illegal sale deed. When the confronted the defendants no.1 and 2 about this, they told the plaintiffs that they were in need of money hence they have executed this hollow sale deed without transferring the possession. Hence, the plaintiffs asked for partition of their undivided share in the suit property on 02.02.2026. To which, the defendants no.1 and 2 denied straight way. Hence, they are constrained to file this suit along with this application. It is request on the part of the plaintiffs that *ad-interim ex parte* injunction be issued against defendants no.1 to 4.

On perusal of the various documents, it *prima facie* transpired that the suit property is the ancestral property of the HUF of the plaintiffs and the defendants no.1 and 2. Copy of the sale deed bearing no.4281/2024 dtd.15.12.2025 *prima facie* shows that 40R portion of

the suit property was sold to the defendant no.4. The plaintiffs have undivided share in this suit property. If the defendants succeed in selling out the entire suit property in near future, the plaintiffs will lose their one and only source of earning. Already they are leading their life without their father and husband. In such circumstances, if the ad interim temporary injunction is not granted against defendants then the suit itself will become infructuous. It will also give rise to multiplicity of proceedings. In the interest of justice it is necessary to avoid the same. Hence, this is the fit case in my view to issue ad-interim *ex-parte* injunction. Hence, I proceed to pass the following order -

**ORDER**

1. The ad-interim *ex-parte* temporary injunction is hereby granted in favour of the plaintiffs and defendants no.1 to 4 are temporarily restrained from transferring the suit property in any manner either by themselves or through anyone else acting on their behalf and should not disturb peaceful possession of the plaintiffs in the suit property, till final disposal of this application.
2. Plaintiffs to comply the provisions of Order XXXIX, Rule 3 of Code of Civil Procedure immediately.

Date: 12/03/2026

Place: Karmala

(Smt.S.P. Kulkarni)

2<sup>nd</sup>Jt. Civil Judge J.D., Karmala.

**ORDER BELOW EXH.6**

Affidavit in support of Exh.5 - Filed.

Date: 12/03/2026

Place: Karmala

(Smt.S.P. Kulkarni)

2<sup>nd</sup>Jt. Civil Judge J.D., Karmala.