

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, KHANDALA
TAL. KHANDALA, DIST. SATARA

MHST080005342026

REGULAR CIVIL SUIT NO.46/2026



Ashok Sangappa Nanna (Deceased) through
LR. And Ors.

V/s.

Dinkar Genu Ranjane (Deceased) through LR.
And Ors.

ORDER BELOW EXH.05

The plaintiffs have prayed for status-quo against defendants so as to restrain them from any sale, transfer or creation of third party interest over suit property.

02. It is averred by the plaintiffs that, main suit is filed for declaration regarding right of pre-emption and perpetual injunction. It is further submitted that, defendant Nos.1 to 5 executed one agreement to sell in favour of plaintiffs dated 17.11.2014 for value consideration of Rs.70,00,000/- out of which amount of Rs.20,00,000/- is already paid by the plaintiffs to the said defendants. For execution of sale-deed, the certain permissions of Revenue Authorities were required and therefore, it is agreed between both parties that sale-deed be executed after availment of necessary permissions. However, after obtaining requisite permission, the said defendants denied execution of sale-deed in favour of plaintiffs. It is also submitted by plaintiffs that, said defendants are trying to sell out suit property to the third persons. As the interests of plaintiffs in the suit property are harmed by such transfer or sale of

suit property, they moved present application for relief of status-quo so as to maintain suit property and to avoid their further alienation or transfer.

03. I have heard learned advocate for the plaintiffs. I also perused documents on record. It appears that, the main suit is filed for declaration and perpetual injunction. The plaintiffs have come up with the case that, the defendants Nos.1 to 5 executed one agreement to sell in favour of plaintiffs in the year 2014. Now, the said defendants neglected and denied execution of sale-deed in favour of plaintiffs in spite of obtaining necessary permissions from concerned Authorities. The plaintiffs filed on record copy of agreement to sell dated 17.11.2014, 7/12 extract of suit property, mutation entry extracts, notice issued by plaintiffs for execution of sale-deed and other relevant documents.

04. Now, the extreme urgency of the plaintiffs for such ad-interim relief has to be analyzed through settled principles of law. Hon'ble Supreme Court in ***Morgan Stanley Mutual Funds Vs. Kartick Das: Securities and Exchange Board of India 1994 (4) SCC 225*** has laid principles for consideration while granting ex-parte ad-interim injunction. Hon'ble Supreme Court has held that ***“ex-parte ad-interim injunction could be granted in exceptional circumstances (a) where irreparable or serious mischief will cause to the plaintiff (b) where refusal of ex-parte injunction would involve greater injustice than the grant of it (c) the time at which the plaintiff first had notice of the act complained.”***

05. As far as present application is concerned, the present application is moved by the plaintiffs so as to restrain defendants

from creation of third party interest in the suit property. It clearly appears on record that, plaintiffs have approached the Court at the earliest possible opportunity. If defendants are not restrained from further alienation of suit property, it will affect the interest of both parties in the suit. The subject matter of suit is required to be protected for effective adjudication of suit on merit. Ad-interim relief seems to be appropriate in the present case. Hence, following order is passed :

ORDER

1. Defendants or any person in their behalf are restrained from any alienation, transfer or sell of suit property till filing of say to the application of temporary injunction.
2. Plaintiffs to comply Order XXXIX Rule 3 of the Code of Civil Procedure, 1908.
3. Issue show cause notice returnable on 28.04.2026 to defendants as to why relief of status-quo issued against them should not be confirmed.

Date: 30.03.2026.
Place: Khandala.

(Smt. S. G. Kuvalekar)
Civil Judge Junior Division,
Khandala.
(J.O.Code – MH03248)