

MHST140005222026

**ORDER BELOW EXH. No. 5 IN R.C.S.No.100/2026**

**Dnyandeep Co-Op. Credit Society Ltd. Mumbai Br. Lonand
through Dattatraya Raut & Ors.
V/s.
Vidya Sudhir Pandit & Ors.**

Plaintiffs have filed present application under Order 39 Rule 1 of Code of Civil Procedure for granting temporary injunction against defendants.

The brief facts of plaintiff's case are as under: -

2. The plaintiffs stated that, the defendant no.3 to 8 herein were taken loan of Rs.55 Lakh for the purpose of expansion of business and on 16.01.2019 for that purpose executed registered mortgage deed in respect of Gat No.168 and house property i.e. Milkat No.399. Accordingly, the name of plaintiffs were mutated in the other rights column of 7/12 extract of Gat No.168 and 8A extract of house property of 399. The attachment order also passed against both properties. Thereafter the defendants did not pay any loan amount to the plaintiffs. Thereafter defendants herein along with their sisters have filed suit bearing R.C.S.No.59/2025 for partition of Gat No.168 and house property No.399. The plaintiffs in that suit were in collusion get a compromise decree from the Court and transferred the suit properties i.e. Gat No.168 and house property No.399 to the name of defendant no.1 and 2. Now, with

intention of defrauding to plaintiffs the defendant no.1 and 2 by taking disadvantage of their names to the suit property, trying to disposed of Gat No.168 and house property No.399. Therefore, plaintiffs have filed present suit and prayed to grant ad-interim injunction against the defendants.

3. I read the plaint and gone through all the documents filed by plaintiffs. From the record it prima-facie seen that, the defendant no.3 to 8 were obtained loan of Rs.55 Lakh from plaintiffs. The plaintiff is registered Credit Co-op. Society and doing business of banking. The mortgage deed filed on record shows that, the plaintiffs have given loan of Rs.55 Lakh on the mortgage of Gat No.168 and house property No.399 to defendant no.3 to 8 on 16.01.2019. The 7/12 extract of Gat No.168 and 8A extract of house property No.399 shows that, the entry of loan taken by defendants were mentioned therein. Therefore, record prima-facie shows that, the defendant no.3 to 8 are debtors of plaintiffs. From the copy of plaint of R.C.S.No.59/2025 it seen that, the plaintiff Vidya Pandit and Vandana Mahamuni who are the sister of defendant no.3 and 4 have filed that suit for partition against defendant no.3 to 6 herein. In that suit no.59/2025 both parties made compromise and suit properties i.e. Gat No.168 and house property No.399 were transfer by partition to the name of Vidya Pandit and Vandana Mahamuni. It is pertinent to note here that, in R.C.S.No.59/2025 the plaintiffs or defendants deliberately suppressed the facts of taking loan and execution of mortgage of properties in favour of plaintiffs herein. The plaint and the compromise pursis are silent on the point of loan and

mortgage of properties.

4. According to plaintiffs, now the defendant no.1 and 2 by taking disadvantage of their names on the suit properties over the 7/12 extract, trying to sell the suit properties i.e. Gat No.168 and house property No.399. Therefore, record prima-facie shows that, the defendant no.3 to 8 only to avoid payment of debt/loan to plaintiffs have filed the R.C.S.No.59/2025 and collusively get compromise decree from the Court. The defendants deliberately suppressed the facts of loan and registered mortgage deed in respect of suit property from the Court and obtained compromise decree from the Court. It seems to be nothing but attempt to defraud the plaintiffs herein. In such situation, it is necessary to grant ad-interim injunction against defendants. If injunction is not granted and notice is issued to defendants, then it will caused delay and meanwhile there is possibility of transfer of properties by defendants to third parties. In that event great hardship will caused to plaintiffs. Hence, I found substance in the application. Hence, the following order.

ORDER

1. The defendant no.1 and 2 or their agent, servant, officer or any other person on their behalf are hereby temporarily restrained from alienating the suit properties (i.e. Gat No.168 and house property No.399 situated at Tambave, Tal. Phaltan, Dist. Satara.) by way of sale, mortgage, gift or by any other manners till their appearance in the Court or till further orders.

Exh.No.5

4

R.C.S No. 100/2026
Dnyandeep Co-Op. Credit Society Ltd.,
& Ors.Vs. Vidya & Ors.

2. The plaintiffs made compliance of Order 39 Rule 3 of Code of Civil Procedure.

Phaltan

Date:10.03.2026.

(A. S. Satote)

3rd Jt. Civil Judge Jr. Dn., Phaltan