

ORDER BELOW EXH.5 IN SPECIAL CIVIL SUIT NO.40/2024

(CNR No.MHWS02000691-2024)

Aafreen Parveen Azhar Ahemad & Ors. Vs. Raju Ramkul

1] Perused an application, an affidavit in support thereof & documents available on record. Ld. Advocate Mr. Deshmukh for plaintiffs has submitted that plaintiffs are legal representatives of deceased Azhar Ahemad in whose favour the defendant had executed 'Token Issar Chitthi' dated 06/10/2023 & also final agreement to sell dated 05/10/2023 pertaining to the land bearing Survey No.420/3 admeasuring 01 H. 61 Are situated within jurisdiction of Part – III, Washim, Tq. & Dist. Washim, more particularly described in para No.1 of the plaint (for short 'suit land').

2] Ld. Advocate Mr. Deshmukh for plaintiffs has further submitted that plaintiffs being legal representatives of deceased Azhar Ahemad have filed the present suit for specific performance of the contract together with alternative prayer for refund of consideration amount of the suit land & damages also. He has further submitted that the defendant (he is owner of the suit land) is about to alienate the suit land & therefore, if he is succeeded in alienating the suit land, the very purpose of filing the suit will be frustrated. With this, he has prayed that *ex-parte* injunction against the defendant restraining him from alienating the suit land be issued.

3] I have gone through contents of this application in the light of the plaint. I have also gone through documents available on record. In my considered view before granting any relief of injunction, the defendant needs to be heard. Holding so, I proceed to pass the following order -

ORDER

- 1] Plaintiffs' prayer as to *ex-parte* injunction against the defendant stands rejected.
- 2] Issue notice to the defendant calling upon him as to why this application for temporary injunction should not be granted in favour of plaintiffs, returnable on dated 30/09/2024.
- 3] E.P. & S.B. are allowed, if prayed for.

Washim.
Date – 05/09/2024.

(S. S. Ubale)
Civil Judge, (Sr. Div.), Washim.

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 05/09/2024
- 4) Order signed by the
presiding officer on :- 05/09/2024
- 5) Order uploaded on :- 05/09/2024