

MHWS100015012025 	ORDER BELOW EXHIBIT 05 RCS NO.13/2025 Sheshrao Nivrutti Lahane & ors. //Vs.// P ravin Ramkisan Gunjkar & ors. Passed on 25th April, 2025
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01] Read the application. Heard the Ld. Advocate for the plaintiffs Shri R.S.Joshi. It is the case and submission of the plaintiffs that, plaintiffs have purchased the suit property from Ramkisan Devba Gunjkar. In fact the plaintiffs have purchased the suit property Ramkisan Devba Gunjkar. Thereafter, the plaintiffs have exchange the property in Gut No.288 to Baban Shivba Khade and get executed the sale deed from Ramkisan Devba Gunjkar. Both sale deeds No.1324 and 1223 have been executed on the same date. After execution of the sale deeds no land is remained in Gut No.270. Since 1988, the plaintiffs are in possession of the suit property. However, due to mistake the area was wrongly mentioned. The area of 1H 1R was mentioned in the sale deed. It had to be mentioned as a 1H 38R. After demise of Ramkisan defendant Nos.1 and 2 have recorded their name in the mutation entry.

02] Due to mistake the area of the suit property Gut No.270 was mentioned as a 1H 1R. The defendants are under the garb of such mistake trying to disturb the possession of the plaintiffs. The 35R land was not remained with Ramkisan Devba Gunjkar. Plaintiffs are in possession of the suit property. The 7/12 Extract shows the name of the defendants. Therefore, there is apprehension that they may sell out the suit property i.e. 35R. Hence, prayed to grant an Ex-parte ad-interim injunction against the defendants.

03] Perused the record. On perusal of the record it appears that, 35R land is in the name of the defendants. Perusal of the record reveals that, the area was wrongly mentioned. But, they are in possession of the suit property of the entire area in Gut No.270. Since long there was no correction in the sale deeds.

04] It is not the exceptional case to the rule of Audi Alteram Partem and to issue Ex-parte ad-interim injunction. Thus, before issuance of injunction, it is necessary to heard other side also. Hence, issue notice to defendants. E.P. & S.B. is allowed, if claimed.

Place : Malegaon
Date : 25.04.2025

[Pravin U.Kulkarni]
Jt. Civil Judge (J.D.) Malegaon
Dist. Washim.

<u>CERTIFICATE</u>	
I affirm that, contents of this PDF file is same word to word, as per original Order :-	
1. Name of the Stenographer	:- Shivam B.Patange (LG)
2. Court Name	:- Jt. CJJD & JMFC, Malegaon
3. Order dated	:- 25.04.2025
3. Order Signed by the P.O.	:- 25.04.2025
4. Order uploaded on	:- 25.04.2025