

ORDER BELOW EXHIBIT NO.15
(Passed on 04/04/2026)

The appellant seeks temporary injunction restraining respondent Nos. 2 and 3 from mutating, alienating or creating third party interest in the suit property, pending appeal.

02] Perused application and say of respondents. Heard the learned counsel for the appellant and the learned counsel for the respondents. They argued as per the contents of the application and reply respectively. Perused the record. After hearing both sides and after perusal of the record, the points that falls for my consideration are as under and I have recorded my finding thereon for the reasons given thereafter :-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether it is proved by the appellant that he has <i>prima facie</i> case in his favour ?	...No.
2.	Whether balance of convenience lies in favour of the appellant ?	...No.
3.	Whether the appellant will suffer irreparable loss, if injunction is not granted ?	...No.
4.	What order ?	Application is rejected.

:: REASONS FOR FINDINGS ::

As to Point No. 1 to 3 :-

03] As point no. 1 to 3 are interconnected and in the light of peculiar set of facts of the present case and to maintain the brevity as well, these points are discussed jointly.

04] At the outset, it is well settled that grant of temporary injunction is governed by the three essential ingredients, namely, existence of a prima facie case, balance of convenience and irreparable loss/injury and these conditions must co-exist before any equitable relief can be granted.

05] The learned counsel for the appellant has relied upon the mutual compromise agreement (hereinafter called as "the said agreement") (Exhibit no.76) and argued that in view of the said agreement, the defendants and deceased Putlabai has no right to execute the will. He also argued that the will is bogus, suspicious and not proved. Therefore, he argued that temporary injunction as prayed by the appellant is necessary to be granted.

06] After hearing his arguments, I have perused the copy of said agreement, which is filed in this appeal by the appellant. Perusal of the said agreement shows that Putalabai and defendant no. 1 and 2 are not parties to the same. Consequently, at this juncture, it is, *prima facie*, seen that the said agreement is not binding on Putalabai and defendant no. 1 and 2. Apart from this, perusal of the record shows that in the present case, the learned Trial Court has decided the suit on merits, after recording evidence of both sides and after full trial, the said agreement was held by the learned trial court, to be not binding on the concerned defendants. Similarly, the learned trial court has also recorded the finding that Putalabai was owner of the said field and competent to execute the Will. Further, the Will is held to be duly executed and proved. Hence, at this interim stage, I am not inclined to accept the above referred arguments advanced on behalf of the appellant. Resultantly, considering all these aspects, the appellant has not made out *Prima facie* case in his favour.

07] It is also equally settled that injunction ordinarily follows possession and a party in settled possession cannot be restrained except upon a strong prima facie case. In the present case, perusal of the record shows that the respondents are in long settled possession and cultivating the said land. On the contrary, the appellant is not in possession of the said field. Consequently, the appellant has not made out *Prima facie* case in his favor, for grant of temporary injunction as prayed, at the appellate stage.

08] In so far as the alleged apprehension of the appellant regarding alienation of the property by the respondents is concerned, the same is vague and unsupported by any cogent material. The appellant has not filed any documents like agreement of sale, public notice etc, which demonstrates that the respondents are intending to sale or alienate the property, in any manner. Apart from this, the appellants has not even stated in this application that the defendants have started negotiations for disposal / alienation of the said field. In this background, at the appellant stage, temporary injunction cannot be granted on vague or speculative apprehension, without any supporting material.

09] Apart from this, it is also pertinent to note that no temporary injunction was sought by the appellant during the pendency of the suit.

10] Moreover, the relief sought in respect of mutation entries is misconceived, as it is well settled that mutation does not confer or extinguish title and is only for the fiscal purposes. Apart from this, the revenue officers, before whom the proceedings of mutation is pending, are not parties to the present case. Consequently, the appellant has not

made out *Prima facie* case in his favor, for grant of temporary injunction, as prayed, particularly when mutation does not confer title.

11] Thus, the cumulative effect of the above discussion is that the appellant has failed to prove that he has prima facie case and balance of convenience in his favour and he will suffer irreparable loss, if injunction is not granted. Hence, no case is made out by the appellant for grant of temporary injunction, at the appellate stage. Consequently, I answer Point no. 1 to 3 in the negative.

As to Point No. 4 :-

12] While answering point no. 1 to 3 in the negative, I have already arrived at the conclusion that the present application deserves to be rejected. In the result, in answer to point no. 4, I pass the following order :-

:: ORDER ::

- 1] Application (Exhibit No. 15) is rejected.
- 2] The parties to bear their own costs.

(Pronounced in open Court)

Yavatmal.
Date : 04/04/2026

(P. S. Ingle)
Ad-hoc District Judge-1
Yavatmal.

C E R T I F I C A T E		
I affirm that the contents of this PD.F file Order are same word for word as per original Order.		
Name of the Steno.	:-	D. S. Kolhe/Kurzadkar(Grade I)
Name of the Court	:-	Ad-hoc District Judge-1, Yavatmal.
Date of Order	:-	04/04/2026
Date of Signature of Presiding Officer	:-	04/04/2026
Date of Order uploaded	:-	04/04/2026

Date : 04/04/2026
Yavatmal.

(D. S. Kolhe)
Stenographer Grade-I,
Ad-hoc District Judge-1, Yavatmal.