

ORDER BELOW EXH.5

(Passed on this 9th day of February,2015)

Perused the application and the record of the suit. Heard learned counsel Adv. Shri G.U.Kamthane, for the plaintiffs.

2] It is pointed out by the plaintiffs that the suit property is their ancestral property and they have shares in it. They have filed an application for temporary injunction restraining the defendant Ramesh Shamrao Khandare from alienating the suit property i.e. Field S.No.314/2-B, admeasuring 0 H 45 R, situated at mouza Umarkhed Khand -2, Tq-Umarkhed, District-Yavatmal, till the decision of the suit. It is further submitted that the plaintiffs have pleaded in details the circumstances in which the object of granting temporary injunction would be defeated by delay. So, it is necessary to grant interim order in terms of prayer in Exh.5.

3] It appears that the suit property is the ancestral property and plaintiffs and defendants have shares in it. It appears that the defendant Ramesh Shamrao Khandare, is going to alienate the suit property by creating third party interest in it. Prima facie it appears that the plaintiffs may cause irreparable loss if the defendant Ramesh Shamrao Khandare would alienate the suit property. Therefore, before issuance of notice to the defendant it is necessary to interfere.

4] As the prima facie case is made out, issue ad-interim injunction in terms of prayer in the application of ad-interim injunction that the defendant Ramesh Shamrao Khandare, be restrained from alienating the suit property to anybody in any manner and through anybody till hearing on exh. 5.

5] Also issue show cause notice returnable on 25th day of February, 2015, to the defendant Ramesh Shamrao Khandare, as to why order of injunction should not be made absolute. The plaintiffs are hereby directed to comply order 39 rule 3 in strict sense. E.P. & S.B. are allowed.

Umarkhed
Date : 09/02/2015

[H.J.Shende]
Civil Judge(Jr.Dn.)
Umarkhed

RCS No.9/2015
Sau.Godawaribai & others
-vs-
Sakhubai & others

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