

Reg. Civ. Suit No. 25/2015
Ramdas ..Vs.. Sau. Radha + 6

ORDER BELOW EXH. NO. 58
in R.C.S. No. 25 of 2015.
(Passed on this 23rd day of Nov., 2020)

The suit bearing R.C.S. No. 25/2015 has been filed by the plaintiff against defendant No. 1 to 7 for declaration and perpetual injunction. In this suit, it is the contention of plaintiff that, 7 acres land out of Gat No. 145 bearing Old Survey No. 94 admeasuring 10 H. 93 R. situated at Mauza Sakhra-Khurd, Tq. Ghatanji is in the possession of the plaintiff vide Will-deed of dated 04-03-1993. However, 7/12 extract of the suit property does not show the entry of such Will-deed in the name of plaintiff. However, 7/12 extract of suit property shows the name of defendants. Therefore, defendants are taking advantage of their name and they are trying to sale the suit property. Hence, the plaintiff filed present suit.

Recently, defendant No. 1 to 3 had approached on suit property with the customers to sale the suit property. Therefore, the plaintiff has filed the application at Exh. No. 58 and praying that, temporary injunction be given against defendant No. 1 to 3 to restrain them, from sale of the suit property to third party, till the final decision of the suit.

Heard Adv. Shri G.I. Dhattrak. I have perused all documents filed alongwith application at Exh. No. 58. One of the document is nothing but the order of Tahsildar, which is filed alongwith application at Exh. No. 58. On perusal of this document, it can be seen that, 7 acres land out of Gut No. 145, which is more particularly situated in the center of Gat No. 145 is in the possession of the plaintiff. In such event, if the suit property sale by defendant No. 1 to 3 to third party, then object of the passing of order will be defeated by delay. Hence, I am of the view that,

this is the good situation to pass ex parte temporary injunction, without issuing notice to the defendant No. 1 to 3, to protect the property till final decision of the suit, otherwise the object of passing the order would be defeated by delay. Hence, it is necessary to pass ex-parte order against the defendant No. 1 to 3.

Accordingly, I pass the following order.

O R D E R

1. Ex-parte Temporary Injunction is passed at application Exh. No. 58 in R.C.S. No. 25/2015.
2. The defendant No. 1 to 3 are hereby temporarily restrained from selling the suit property i.e. 7 acres land of Gut No. 145, which is exclusively in possession of the plaintiff and situated in the middle portion of Gut No. 145, till the defendant No. 1 to 3 have filed their say to the application at Exh. No. 58.
3. The Plaintiff is directed to comply the provision of Order XXXIX Rule 3 (a) of The Code of Civil Procedure.
4. Issue show cause notice against defendant No. 1 to 3 as to why the ex-parte temporary injunction passed in favour of plaintiff should not made absolute against you.

Date : 23/11/2020

(F.T.Shaikh)
Civil Judge Junior Division, Ghatanji.