



Vijay Bhalerao & ors Vs.
Janabai Bhalerao & ors

ORDER BELOW EXH.05

Present application is moved by plaintiffs for relief of temporary injunction against defendant No. 18 so as to restrain him from creating third party interest in the suit properties and also from further transfer or alienation of the same.

02 I have perused the application and documents filed on record. The plaintiffs averred through present application that suit property is ancestral and joint family property of plaintiffs. The defendants No. 1 to 17 took advantage of their names in the records of rights of suit properties and executed registered sale deed dated 15/05/2015 in favour of defendant No. 18 so as to grab the shares of plaintiffs in the suit property. There is no separation and partition of shares of plaintiffs in the suit property. Therefore plaintiffs are prayed for relief of temporary injunction against defendant No. 18.

03 The defendant No. 18 appeared before the court and filed his written statement at Exh. 28. He contended that suit property is owned and possessed by the defendant No. 1 to 17 and plaintiffs have no right or share in the same. He also contended that he is the bonafide purchaser of suit property and entered into said transaction on assurance of defendants No. 1 to 17. Hence, he prayed for rejection of present application.

04 I have heard Ld. Advocates for both parties and perused documents on record. The main suit is filed by the plaintiffs for partition and declaration. The plaintiffs have sought relief of separation of their shares in suit property which is claimed to be ancestral. As far as contention of defendant No. 18 is concerned, he is bonafide purchaser of suit property for value consideration. As the suit for partition involves rights of both parties, they are required to be protected. The status of suit property is required to be maintained for effective adjudication of subject matter in dispute. Therefore, the relief of injunction is necessary and reasonable. Accordingly, following order is passed :

ORDER

- 1) The application at Exh 05 is allowed.
- 2) The defendants are temporarily restrained from creating third party interest in the suit property i.e. Gat No. 115 situated at mouje Ubhade, tal. Igatpuri, Dist.Nashik and also from further transfer or alienation of the same till decision of main suit.
- 3) Costs in main cause.

Date: 02/05/2025

(S.G. Kuvalekar)
Jt. Civil Judge, Jr. Division
Igatpuri.