

Order passed below Exh. 38 In R.C.S.No. 1/18

The plaintiff prayed for exparte ad-interim injunction. Heard advocate of the plaintiff. He argued as per application. The plaintiff alleged that the suit properties are his ancestral properties and thus, he has share in it, however, defendants are trying to create third party interest with intent to grab share of the plaintiff. 7X12 extract of the suit properties does not bear name of the plaintiff. However, inspite of service of summons defendants no.1,2, 3,5, 6A to 6D failed to appear and hence order as to exparte proceeding against these defendants was passed on Exh.1 and order as to proceeding without written statement of defendant no4 was also passed. This factor needs to be considered. Thus, considering statement of the plaintiff on oath it is necessary to pass order as to exparte ad-interim injunction as record shows about intention of parties to create third party interest. However, defendant no.1 is father of the plaintiff. Hence, such order cannot be passed without hearing him. Therefore, considering contentions of the plaintiff order as to exparte injunction needs to be passed against defendants no.2,6A to 6E and 8 restraining them to create third party interest in the suit properties till next date. Aspect of possession can be decided only after hearing of these parties. Hence, oral prayer as to exparte order is allowed partly. Accordingly following order:-

ORDER

1. Exparte ad-interim injunction against defendants no.2,6A to 6E and 8 is passed. These defendants no.2,6A to 6E and 8 shall not create third party interest in suit properties till next date.
2. Issue show cause notice against defendants as to why such relief

prayed in this application shall not be passed against them R/o
10/4/2019.

3. The plaintiff to comply O 39 R 3 of the Code of Civil Procedure.

Date : 26/03/2019

(R.S.Dhadake)
3rd Jt.Civil Judge, J. D. Barshi.

Certificate

I affirm that, the contents of this PDF file Order/Judgment are same word to word, as per original Order/Judgment.

Name of Stenographer : R.H.Lasane.

Court : 3rd JtCJJD & JMFC, Barshi.

Date: : 26/3/2019

Judgment/Order signed : 26/3/2019
by the presiding officer :

Judgment/Order : 27/3/2019
uploaded on :