IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO. 9 OF 2015
AND
CIVIL APPLICATION NO. 2145 OF 2015

Sakharam Limbaji Dhole .. Appellant/ Applicant

Vs.

Avinash Bansi Karad and anr. .. Respondents

Mr. M.B. Ubale, Advocate i/b. Mr. L.K. Pradhan, Advocate for the appellant-applicant
Mr. B.N. Palve, Advocate for the respondent nos.1 and 2

CORAM : M.T. JOSHI, J.
DATE : 17/03/2015

ORAL ORDER :

1. Heard both sides.

2. Aggrieved by the rejection of the application for grant of temporary injunction against both the respondents from alienating the suit property during the pendency of the suit, the present appeal is preferred.

3. The appellant has filed suit for specific performance of the contract regarding the agricultural property. According to him, an amount of Rs.6,25,000/- was paid in cash to the respondent no.1 as part payment

towards the sale. Balance of the consideration of Rs.6,00,000/- was to be paid. Accordingly, the agreement of sale was executed. However, defendant no.1 avoided to perform his part of contract and, thereafter, he transferred the suit property to defendant no.2. In the circumstances, after filing of the suit, temporary injunction, as detailed supra was sought by the application at Exhibit 5.

4. Upon hearing both sides, the learned Civil Judge Senior Division, Ahmednagar dismissed the application. Hence, the present appeal.

5. Perused the reasons forwarded by the learned Civil Judge Senior Division, Ahmednagar. He has taken into consideration the case on merit and, thereafter, dismissed the application.

6. Learned counsel for the appellant submits that initially, status-quo was granted during the pendency of the application. Thereafter, upon hearing both sides, the application came to be dismissed.

7. Considering all these facts on record and since the provisions of section 52 of the Transfer of Property

Act can take care of the provisions of the present appeal, the impugned order need not be disturbed. The learned Civil Judge Senior Division, Ahmednagar however shall not be influenced by the earlier observations made by him while dismissing the application. In the result, the following order:-

8. The appeal is hereby dismissed without any order as to costs.

9. Consequently, Civil Application no. 2145 of 2015 seeking injunction does not survive and the same also stands disposed of.

[M.T. JOSHI]
JUDGE

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