



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 7507 OF 2024 IN SA/192/2024

**GANESH S/O NARAYAN HARNE
VERSUS
PARMILABAI WD/O MACHINDRA HARNE**

...
Advocate for Applicant : Mrs. Pooja Vijay Langhe

AGP for Respondents/State : Mr. K.K. Naik

Advocate for Respondent : Mr. Ravindra V. Gore

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CORAM : MEHROZ K. PATHAN, J.

DATE : 6th FEBRUARY 2026

PER COURT :

1. The Civil Application No.7507/2024 is filed by the Applicant/Ganesh, thereby praying for temporary injunction by restraining the Respondent, not to disturb the possession over the suit property.

2. The learned Counsel for the Applicant submits that Respondent/Pramilabai had filed another suit for obtaining the succession certificate being Civil M.A. No.863/2015 for declaring herself as to be the successor of deceased Machchindra. The said suit came to be dismissed. Pramilabai Respondent herein, had thereafter filed RCA No.186/2022 challenging the judgment dated 07.02.2020 in M.A.R.J.I. No.863/2015. The Ad-hoc District Judge, Chhatrapati Sambhajnagar vide its order dated 29.02.2024 has allowed the said

appeal in favour of Respondent/Pramila and declared her to be heir of deceased Machchinra who is alleged to have jointly purchased the suit property i.e. Gat Nos. 50 and 60. The Civil Judge was further directed to issue a heirship certificate in the name of Pramila. The Applicant/Ganesh has thus filed the Second Appeal Stamp No.26511/2025.

3. It is submitted by the Counsel Mrs. Pooja Langhe for the Applicant that on the basis of the decree declaring Pramilabai to be the heir of deceased Machchindra, the Respondent Pramila has executed a sale deed in respect of the suit properties, Gat No. 50, situated at Village Harsul, despite being aware that the matter is sub judice before this Court in Second Appeal No. 192/2024 as well as in Second Appeal Stamp No. 26511/2025 filed by the Applicant Ganesh challenging the judgment dated 29.02.2024 passed in RCA No. 186/2022. She further submits that there is a work of lay out going on in the said property Gat No.50 which was suit property involved in both Second Appeals. Thus there is every likelihood that the Respondent Pramilabai may also create a third party interest in Gat No.60 admeasuring 1H 50R of Mouza Krishnapoor and as such appropriate directions may be issued. She tenders across the bar a copy of the sale deed executed between the Respondent Pramila and Rangnath Harne and Raju Pachlore.

4. Mr. Gore, learned Counsel for the Respondent Pramila appearing in Second Appeal No.192/2024 submits that the said sale

deed is executed by the Respondent Pramila not only on the basis of the legal heirship certificate issued by the First Appellate Court in RCA No.186/2022, but however the suit filed by Ganesh being RCS No.386/2016 was already dismissed. The Applicant Ganesh has filed First Appeal before the District Court that is RCA No.167/2019 which was also dismissed. The present Second Appeal is filed challenging both the judgments dated 24.04.2019 passed in RCS No. 386/2015 and 25.09.2023 passed in RCA No. 156/2019. However, since the year 2023, there have been no interim orders staying either the judgment of the First Appellate Court or that of the Trial Court, nor any order directing the Appellant not to deal with the suit properties. As the Trial Court as well as the First Appellate Court have declared Machchindra (husband of Respondent Pramilabai) to be the exclusive owner and shareholder of the joint family property comprising Gat No. 50 of Mouza Harsul and Gat No. 60 of Mouza Krishnapur, Respondent Pramilabai had every right to deal with the properties, and accordingly the sale deed came to be executed on 24.06.2025. Learned Counsel therefore submits that the application is devoid of substance and liable to be rejected.

5. The perusal of the Second Appeal prima facie shows that substantial questions of law worth consideration are involved in the present Appeal concerning the rights of the Appellant. Even though the Second Appeal has not yet been finally decided, it appears that Respondent Pramilabai has executed a sale deed, thereby seriously affecting the rights of the Appellant Ganesh during the pendency of

the Second Appeal. Since the matter is sub judice before this Court and is pending adjudication in both Second Appeal No. 192/2024 as well as Second Appeal Stamp No. 26511/2025, wherein the declaration of Pramilabai as the legal heir of Machchindra, to whose share Gat No. 50 of Mouza Harsul and Gat No. 60 of Mouza Krishnapur had fallen by virtue of the declaration of the trial Court in RCS No. 386/2015, is under challenge, it is necessary in the interest of justice, to direct Respondent Pramilabai not to create any third-party interest in the suit properties. Hence the following order :

ORDER

- (i) The Civil Application No.7507/2024 is allowed.

- (ii) The Respondent, Pramila, and any other person claiming through her are directed not to create any third-party interest in the suit properties Gat No.50 admeasuring 37R Harsul and Gat No.60 admeasuring 1H 50R Krushnapur, during the pendency of the Second Appeal.

MEHROZ K. PATHAN
JUDGE

NATJEB..