

**ORDER BELOW EXH.5**

Present suit is filed for perpetual injunction. This application is moved for claiming the relief of temporary injunction that the defendants be restrained from obstructing the plaintiffs from using electric motor and taking water through pipeline from common well situated in gat no.24/4 either themselves or through any one acting on their behalf till final disposal of the suit.

2. The Learned advocate for the plaintiffs vehemently argued for issuing *ex parte* ad-interim temporary injunction against the above mentioned defendants.

3. Heard detailed argument of learned Advocate for the plaintiffs. It *prima facie* transpired that land admeasuring 00H-81R of East side out of gat no.24/1/B (suit property 1A) and land admeasuring 00H-54R out of gat no.24/1/A (suit property 1B) situated at Anjandoha, Tal.Karmala are the suit properties. It *prima facie* appears that gat no.24/1/B was purchased by plaintiff no.1 on 16.03.2000 and accordingly M.E. No.1629 was certified. Gat no.24/1/A admeasuring 87R was purchased by Shankar Tukaram Gade in the year 1995. After his demise, his legal heirs were entered in the record of gat no.24/1/A. Thereafter, M.E. No.3212 was certified and accordingly this property was partitioned and it was given to the share of Sarika Ashok Gade. After death of Sarika, her legal heir i.e. plaintiff no.2 was given her share and M.E. No.3842 was certified. As per that partition, plaintiffs no.1 and 2 were given joint right to use water from the well which is situated in gat no.24/4 and to use electric motor of 10HP which is fixed in that well along with the pipeline. It *prima facie* transpired from the copies of light bill that they have paid the electricity bill time to time. The defendants have purchased landed property gat no.24/4. They had no right to use water from the well as per that sale deed. Still the defendants are

obstructing the plaintiffs to use the water from the well situated in gat no.24/4. From the copies of 7/12 extract of the suit property, it prima facie transpires that there is standing crop of sugarcane and banana in the suit property. If these crops are not irrigated, the plaintiffs are going to suffer irreparable loss. It will consume considerable time for the trial to begin. To save the right, title and interest of the plaintiffs in the suit property, it is necessary to facilitate them to use the water supply for their standing crop. Hence, I am of the opinion that the ad-interim *ex-parte* injunction should be issued in favour of the plaintiffs. Accordingly, I proceed to pass the following order -

**ORDER**

1. The ad-interim *ex-parte* temporary injunction is hereby granted in favour of the plaintiffs and defendants are temporarily restrained from obstructing the plaintiffs from using electric motor and taking water through pipeline from common well situated in gat no.24/4 either themselves or through any one acting on their behalf till final disposal of this application.
2. Plaintiffs to comply the provisions of Order XXXIX rule 3 of Code of Civil Procedure immediately.

Date: 20/06/2026  
Place: Karmala

(Smt.S.P. Kulkarni)  
2<sup>nd</sup> Jt. Civil Judge J.D., Karmala.