

ORDER BELOW EXH.05.

(Passed on 01/01/2026)

The instant application has been filed on the behalf of the plaintiff for ad-interim injunction restraining the defendants from creating new way over the suit property.

2. Heard the learned advocate Shri. Y. B. Unde for the plaintiff. He submitted at bar that, the defendants No. 1 filed the proceeding before the Deputy Tahsildar, Rahuri, under section 5(2) of the Mamalatdar Court Act, 1906. He further submitted at bar that, without giving an opportunity to the plaintiff, the defendant No. 02 has passed the order dated 30/09/2025 and created the new way over the suit property. He further submitted that, the principal of natural justice has not been followed by the defendant No. 2. The defendant No. 02 had passed the order in favour of defendant No. 1. In regards to that order, on 17/12/2025 the present plaintiff received the notice from the defendant No. 02 for the execution of order passed in Rasta Case No. 112/2025. If the defendants succeed then, the plaintiff may suffer the irreparable loss. Hence, prayed to allow ad-interim ex-parte injunction against the defendant.

3. After giving my thoughtful consideration to the contentions canvassed by plaintiff and on perusal of record and proceeding it depicts that, already the notice u/s 80 has been waived. It is further noticed that, the defendant No. 02 had issued the notice dated 17/12/2025 for the execution order passed Rasta Case No. 112/2025 and the said notice was received by the plaintiff dated 01/01/2026. The plaintiff has filed those documents. If ad-interim ex-parte injunction is not granted then he will suffer irreparable loss. Hence, I do not find any

..2.. **Regular Civil Suit No. 577 of 2025**

(Bapusaheb Sonawane Vs. Ashok Sonawane & Ors.)

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impediment to issue ex-parte injunction against the defendants as per the prayer clause. Accordingly, I proceed to pass following order.

ORDER

1. Ex-parte ad-interim injunction is granted in favour of plaintiff.
2. The defendant Nos. 1 and 2 are hereby restrained from creating a way over Gat No. 244 situated at village Takalimiya, Tal. Rahuri, Dist. Ahmednagar till filling their say over the application.
3. The plaintiff is directed to comply the statutory provision of Order XXXIX Rule 3 of C.P.C. on or before 27/01/2026.
4. E.P. and S.B. is allowed, if any.

Date: 01/01/2026.

(Mayur E. Pawar)
Civil Judge Senior Division,
Tal. Rahuri, Dist. Ahmednagar.