



**R.C.S. No.141/2020**  
Sunanda Vs. Piraji and others  
CNR No.MHAH220008902020

**ORDER BELOW EXH.05**

{Passed on 10<sup>th</sup> September, 2020}

Heard the Ld. Counsel for the plaintiff. Perused the plaint, (Exh.05) and documents filed with (Exh.03, 11). It reveal that, the plaintiff has filed suit for injunction. Further plaintiff has filed this application to restrain defendant Nos.1 to 4 from obstructing her possession over the suit property. According to plaintiff, she has purchased suit lands from Sampat Nalge vide registered sale deed. She is in cultivation possession of the said property from the date of sale deeds. After that Sulochana and others obstructed her possession hence she had filed a Civil Suit No.73/2002 against them. In said suit as per the order of the court suit property was measured through TILR. In said measurement though there was private road Surveyor shows barren land at North side. However, suit was decreed and injunction order was passed against them.

2) Defendants are owner of agricultural land bearing Gat Nos.371 and 367. They have damaged the boundary marks of suit property and want to close the private road of the plaintiff. Defendants are unnecessarily interfering and obstructed plaintiffs possession over the suit property. Therefore, she prayed for interim order. If defendants made encroachment over the suit land and take forcible possession, it will cause irreparable loss of plaintiff's. Plaintiff is in cultivating possession and an owner of suit land and defendants having no concern with suit land. At this stage if defendants made any obstruction it will cause irreparable loss of the plaintiff. Hence, she is claiming temporary injunction.

3) On perusal of the pleading and documentary evidence it reveal that, the plaintiff is an owner of suit land and defendants having no concern with suit land. However, defendant Nos.1 to 4 on 29.08.2020 illegally entered in suit land and tried to made encroachment over the suit land. On perusal of the map it reveals that the Surveyor has shown barren land. After that on 06.03.2017 suit property was measured and area under road is specifically shown by dotted line. The Surveyor has not shown an encroachment of adjacent owners. It reveals that at the North side of Gat No.372 there is private road of the plaintiff. Plaintiff has filed photographs alongwith Exh.11. It shows that defendants are plowing the land adjacent to road and removed boundary marks. Therefore, dispute arose. The 7/12 extract shows that plaintiff is owner and possessor of suit land, if defendants made an encroachment, it will cause irreparable loss to the plaintiff. Considering these facts, I find that, plaintiffs have made out strong *prima facie* case. Hence, pass the following order.

### **ORDER**

1. Defendant Nos.1 to 4 are hereby restrained from entering in the suit land and made any type of obstruction in the peaceful possession of plaintiff over the suit land till their appearance.
2. Issue show cause notice to the defendant Nos.1 to 4 as to why Ad- interim injunction should not be confirmed till the decision of the suit, returnable on 18.09.2020.
3. E.P. and S.B. allowed.
4. Plaintiff's to comply Order XXXIX Rule 3 of the Code of Civil Procedure.

Date: 10.09.2020  
Place: Karjat.

( D.J. Patil )  
Civil Judge, J.D., Karjat.