

CNR:MHAK110013652024



Regular Civil Suit No.76/2024

Sarfaraj ...Vs... Afzal

:: ORDER BELOW EXH-05 ::

The agricultural properties belonging to plaintiffs have been shown in plaint map by letter G, H, N, O, P, M, G whereas the agricultural field property of defendant is adjacent to the field of plaintiffs. According to plaintiff despite having an alternative way available to the defendant the Mamlatdar Court has granted way to the defendant from the field of plaintiff which is shown by letter H, N, O. Hence, aggrieved by granting such order by the Mamlatdar Court, the suit is instituted wherein ad interim ex-parte temporary injunction has been sought against the defendant.

2. The learned counsel for the plaintiff has argued in consonance with the contentions made in application. Hence requires no reiteration.

3. In order to substantiate case the plaintiff has relied upon the order passed by Mamlatdar Court, sale deed of adjacent owner. At the outset, it is necessary to observe here that according to the plaintiff there is alternative way available to the defendant from Bagada Nala. On going through the order passed by Tehsildar it appears that said order was passed under the Mamlatdar Court Act. Considering such fact having alternative way prima-facie seems to be going out of consideration. Hence, I am of the considered opinion that a right of hearing requires to be given to the defendant. Consequently, the following order.

::ORDER::

- i. Issue show cause notice to the defendant as to why temporary injunction should not be granted in favour of the plaintiff.
- ii. P B. and S.B. allowed if prays.

Telhara.**(Rahul A. Rannaware)****Date: 11.12.2024****Joint Civil Judge (Jr.Dn.),Telhara.**

<u>:-Certificate:-</u>		
I affirm that the contents of this P.D.F. File are same word to word as per original.		
Name of Stenographer	:	Nikhil S. Shirsat
Name of Court	:	Jt. C.J.J.D. & J.M.F.C., Telhara
Date	:	11.12.2024.
Signed by Presiding Officer on	:	11.12.2024
Uploaded on	:	11.12.2024

