

**RCS No. 66/2026**  
Warubai Asaram Tambe  
Vs  
Raybhan Panu Kurne

**ORDER BELOW EXH.05**

Heard adv. Shri. S. R. Joshi for plaintiff. Perused the documents on record. It is seen that the suit is filed for injunction against defendants. It is seen that plaintiff has contended that she is owner of the suit property by way of sale deeds of 1984 and 1994 which were in the name of her husband. She further contended that as per sale deed she has road towards southern side of suit property. She further contended that defendants are trying to construct on said road as well as on cow shed which is in front of plaintiffs house. Hence, the present suit is filed for injunction and the present application is filed and prayed for ad-interim ex-parte injunction against defendants.

2. From perusal of record, it is seen that the cause of action starts on 18.02.2026. Plaintiff herself contended in her plaint para no. 6 that she has filed application to Nagar Parishad Gangapur to stop illegal construction of defendants. Therefore, it is prima facie seen that the construction is in progress. But nothing is on record to show that actual progress of construction. As stated earlier, if defendants are trying to construct on suit property since 18.02.2026, therefore, it is very difficult to hold that till today no construction has been done on the said site. Ld. Adv. Shri. S. R. Joshi shown some photos to this court on his mobile to show the progress of the construction. But, it is very difficult to hold the progress on the photos shown through mobile without actual production of it on record. Therefore, if ex-parte ad-interim

injunction or any such order is passed at this stage, then the possibility of its misuse can not be denied. So also the role of defendant no. 3 to 5 is not specifically given by the plaintiff. It is not clear from the pleadings whether all defendants are adjacent to the plaintiff or not. In such situation considering the nature of contentions before passing any ex-parte order it is necessary to hear other side. Hence, issue show cause notice to defendants for filing their say, returnable on **06.03.2026. If necessary, E.P and S.B. is allowed.**

Date: 27.02.2026

( A. A. Kalamkar )  
3<sup>rd</sup> Jt. Civil Judge (J.D.)  
Gangapur.