



MHAU070018692018

Order passed below Exh.5 in R.C.S. No.270/2018

[Delivered on: 29/11/2018]

Amol Vinayak Gaikwad and Anr.

Vs.

Kachru Damoji Gaikwad

1] Perused application and documents filed on record. Heard G. G. Jadhav for the plaintiffs and length. He strongly pressed for ex-parte ad interim injunction and submitted the name of Savlaya Ahilya in the suit property vide M.E. No.317 in incorrect and in fact though he has four *anna* share in land Gut Nos. 122 and 73 during partition between the four sharers he has been given land in gut No.73 and therefore his entry in the 7/12 extract of Gut No.122 is incorrect and in fact M.E. No.317 is the mutation of the legal heir's of Sitaram, Gajaba and Gangaram and there is no mention of Savlya in M.E. No.317. Now in view of acquisition of Gut No.122 in Samruddhi Highway the defendant is likely to take the compensation of the said land and therefore in further there will be loss to the plaintiff. Hence, he prayed accordingly.

2] I have perused the document on record and consider the pleadings of the plaintiffs. According to the plaintiffs Sitaram, Savlya, Gajaba and Gangaram received land gut No.122 and 73 in village Dighi and they were having a share of 4 *anna* each in his land. However, as the area of Gut No.73 was less compare to they

are a of gut No.122 instead of giving a land in gut No.122 Savlya has been given land in gut No.73. However, his name remain in the 7/12 extract. He also draw my attention to M.E. No.317. On perusal of the same it appears that, the names of L.R.'s of Gangaram, Gajaba and Sitaram were mutated and there is no mention of the name of Savlya in it. However, in the 7/12 extract of gut No.122 the name of Savlya is shown as per M.E. No.317. However, the plaintiffs have not prima facie, shown any document which shows the partition between Sitaram, Savlya, Gajaba and Gangaram inter-se of land gut No.122 and 73. At this prima facie, stage to document produced on record to show that, instead of giving land to Savlya in land gut No.122 he has been given land in gut No.73 except M.?E No.311. However, it is an admitted fact that, Savlya is having a share in gut No.73 to the extent of 4 *anna* and therefore in view of same it is just and necessary to hear the defendant before passing any prohibitory order against him. Hence, issue show cause notice as to why ad interim order should not be granted to the plaintiffs as prayed r/o. 11/12/2018.

Sd/-

Date :-29th November, 2018.

(Ajay A. Bhatewara)
Civil Judge (Junior Division),
Gangapur

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	:	Anil B. Rathod.
Court	:	Civil Judge (J.D.), Gangapur.
Order Date	:	29/11/2018.
Order signed by the Presiding Officer on	:	29/11/2018.
Order uploaded on	:	29/11/2018.