

**IN THE COURT OF 3<sup>rd</sup> JOINT CIVIL JUDGE**  
**(JUNIOR DIVISION), PAITHAN,**  
**DISTRICT -AURANGABAD.**

MHAU090021112025



R.C.S. 226/2025  
Abhijit & Ors-Vs- Nandu & Ors.

**ORDER BELOW EXH.08**  
**(Passed On 30.07.2025)**

The instant application is filed by plaintiff under Order XXXIX Rule 1,2 and 3 Civil procedure Code, 1908 (***Hereinafter CPC in short***) for grant of Ad-interim Ex-parte injunction against defendants and is filed in a suit for Permanent Injunction.

**2]** It is contention of the plaintiff/applicant that, plaintiff No.1 is owner of the property bearing Gat No. 44/2, Area: 0.50 HR, Aakar Rs.2.88 out of the total land of Gat No.44/2, Area 1.80 HR, situated as Village Hiwra Choudhala, Tah. Paithan, District: Aurangabad. The said land is bonded as under: The same is bounded as under: On east: land of Dinkar Babar, On West: Bhagwan Dhaikar,

On north: Remaining land of plaintiff No.2 and on south: land of Vijay Brahmaraakshas. (***Hereinafter referred to as suit property***).

**3]** Plaintiffs contended that, plaintiff No.2 and his brother Amol Kondopant Saraf have jointly purchased the land bearing Gat No.44/2 Area 0.80 HR vide registered sale deed bearing No.723/2008 dated 30/01/2008 from Lakshman Dhaikar and Savita Tulshiram Hakam. They have also purchased 0.20 HR of land from Lakshman Dhaikar vide registered sale deed dated 16/10/2014 vide No.8030/2014. Thus, they became owner of 1.00 HR of land vide mutation entry No.419 and 666 respectively. The land was not partitioned between the two. However, due to the old age and several ailments and necessity of money Amol Kondopant Saraf has sold out 0.50 HR of land to plaintiff No.1 Abhijeet Saraf vide registered sale deed bearing No. 3690/2025 dated 17/04/2025. Plaintiff No.2 and son of Amol Saraf namely Koustubh Amol Saraf has consented for the said sale. Thus, both the plaintiffs used to cultivate the entire land.

**4]** It is contended that, there is no relation of defendant with the suit property. Despite the same, in order to grab the suit land, on dated 11/07/2025, defendant has threatened the plaintiff No.2 and obstructed

him from entering in the suit property. Therefore, he has lodged the complaint with Police Station, Pachod on dated 14/07/2025. Since, no action has been taken by the police, plaintiffs have filed the suit for permanent injunction and vide instant application prayed to grant ex-parte ad-interim injunction against defendant.

**5]** Since, the application is immediately filed for urgent relief the same needs to be decided on merit.

**6]** Perused the application. Heard. Read the documents filed alongwith this application.

**7]** In order to prove the ownership of applicant/plaintiffs, they have filed on record the copy of registered sale deed bearing No.'s 723/2008 dated 30/01/2008 and copy of registered sale deed bearing No.'s 3690/2025 dated 17/04/2025. They have also filed on record the copy of mutation entry bearing No.666 and 7/12 extract of land Gat No.44/2. The said sale deed prima facie confirms the fact of purchase of 0.80 HR of land by defendant No.2 and his brother Amol. The mutation entry bearing No.666 also confirms that, both of them has purchased 0.20 HR of land. It is also prima facie confirms from the perusal of sale deed bearing No.3690/2025 that,

plaintiff No.1 has purchased the 0.50 HR of suit land of Amol Saraf. Further, the 7/12 extract of Gat No.44/2 also shows the name of both plaintiffs. The copy of NCR dated 14/07/2025 prima facie supported the plaintiff's story to the extent of obstruction to plaintiff at the hands of defendant. However, the same also clarified that, the defendant is having an adjoining land adjacent to the suit property. Both of them are having common road/way i.e. bandh.

**8]** Considering aforesaid, it prima facie appears that, plaintiffs are owner of the suit property. Both of them are having common road. It appears prima facie that, defendant has obstructed the plaintiff from entering in suit land. Thus, in my view, if he has not allowed to enter in his own land, no doubt there is a loss to the plaintiff. Therefore, considering the totality of circumstances, I am of the considered view that, the relief sought is of urgent in nature. I am satisfied that, object of granting the ex-parte ad-interim injunction would be defeated by delay caused in serving notice to defendant. Therefore, in my considered view, it is necessary to grant the discretionary relief to the plaintiff till appearance of defendants. I thus partly allow the application and inclined to pass the following order:

## **ORDER**

- 1] The application below Exh.08 is allowed.
- 2] The defendant and any of his servants or agents are directed not to obstruct the plaintiff from entering in suit property.
- 3] The Ex-Parte ad-interim injunction would operate till appearance of defendant.
- 4] Plaintiffs to pay the special bailiff charges in Court to serve the defendant urgently.
- 5] As the ex-parte ad-interim injunction is granted, plaintiff to serve the order and copy of relevant documents within 24 hours to the defendants and report compliance.
- 6] No order as to costs.

***[Order passed in open court.]***

**Date :-30/07/2025.**

**[Nitin Dhoke]**  
3rd Jt.Civil Judge Junior Division,  
Paithan, Aurangabad.

**CERTIFICATE**

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

Name of Stenographer : Komal V. Bayas  
Court : 3<sup>rd</sup> Jt.CJJD Paithan  
  
Date of order : 30.07.2025  
Order signed by the Presiding Officer on : 30.07.2025  
Order uploaded on : 30.07.2025