

R.C.S. No. 71/2015
Feroz Khan Vs. MCA
Order Below Exh.-12
((1))

Regular Civil Suit No. 71/2015

Feroz Khan Vs. MCA
(Order Below Exh.-12)
(Passed on 14th September 2015)

Perused application and affidavit. Heard Advocate for the plaintiff.

02. Advocate for the applicant argued that in the present matter notices has been issued to the defendant returnable on 15.09.2015. The summons are issued to the defendant corporation on 11.09.2015 and same are served on the defendant. Today i.e. on 14.09.2015 at about 02.00 p.m. officers of the corporation had been to the suit property for demolishing the same. Plaintiff have submitted about filing present suit and issuance of alleged notices returnable on 15.09.2015 to the defendant, but defendant have not hearing the plaintiff. Suit property is the only source of income and lively-hood of the plaintiff. If defendant authority is succeed in demolishing the suit property, plaintiff will loose his only income source. Therefore, present application is filed.

03. It shows from the record that in the present suit temporary injunction was filed and order of issuance of notices returnable on 15.09.2015 has been passed. Counsel for the plaintiff relied on judgment of Civil Revision Application Nos. 248/2002, 249/2002 and 250/2002 decided on 23.04.2002. of Honourable High Court Judicature At Bombay, Bench at

Aurangabad and argued for passing interim orders. Facts of referred case and the present case are different. In the present case, defendant corporation is yet to be appeared.

04. It shows that Court have passed orders of issuance of notices, considering the matter. And after passing orders, there is no any date is taken place and no any change occurred. While passing orders on temporary injunction application the Court has considered the submissions and passed order. Plaintiff submitted about intimating officers of defendant corporation about pendency of suit having next date on 15.09.2015. In that circumstances, it is the defendant corporation to consider the request of plaintiff or not. After considering orders on (Exh.-05) temporary injunction application about issuance of notice returnable on 15.09.2015, I found that application could not be allowed at this stage. Hence the order.

ORDER

01. Application is rejected.

02. Costs in cause.

Date :- 14.09.2015

Sd/-
(S.J.Biyani)
Civil Judge Senior Division
Corporation Court, Aurangabad

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((3))

CERTIFICATE

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

Name of the Stenographer	: Manoj S. Nangre
Court	: Civil Judge S.D.(Corporation), A.bad
Date	: 14.09.2015
Order signed by the presiding officer on:	14.09.2015
Order uploaded on	: 14.09.2015