

ORDER BELOW EXH. 05 IN REGULAR CIVIL SUIT NO.67/2026

The present suit is filed by plaintiffs seeking relief of perpetual injunction restraining defendants for carrying out construction of road over the suit property. The present application is filed by plaintiffs for claiming temporary injunction.

2. Perused the application and documents filed on record. Heard learned Advocate for plaintiff at length.

3. Plaintiffs have filed captioned suit for perpetual injunction. It is averred by the plaintiffs that they are owner and possessor of suit described in para No. 2 of the plaint which is a ancestral property of the plaintiffs. It is contended by the plaintiffs that, the defendant is attempting to undertake a road construction over the suit property without giving prior notice to plaintiffs and without following due process of law. Statutory notice contemplated under section 304 of Maharashtra Municipal Council Nagar Panchayat and Industrial Township Act, 1965 be dispensed with as per order of Hon'ble C.J.S.D., Ambajogai dated 20.02.2026.

4. The Ld. Advocate for plaintiffs submits that the defendant has initiated steps for immediate construction of public road over the suit property without following due process of law. He further submits that defendant trying to encroach upon the suit property by constructing road, if defendant not restrain would resulting irreparable damage to the suit property. He further submits that, defendant don't have any right in the suit property. However, by taking disadvantage of the defendant started interfering and obstructing plaintiffs possession over the suit property by

constructing public road. Plaintiffs further contends that they are in possession of the suit property and any obstruction at this stage would cause them irreparable loss. In support of his contention Ld. Advocate for plaintiffs relied upon documents i.e. copy of 7/12 extract, copy of PTR, copy of Layout, copy of Map, copy of N.A. certificate of the suit property, copy of sale deed etc. From perusal of the records at this stage it cannot be ascertained as to interference and obstruction, further the alleged incident of obstruction is supported only by filing of documents mentioned as above. No independent or corroborative material has been placed on record to substantiate allegation of interference or construction. Hence, it would not be appropriate to grant ad-interim injunction without affording an opportunity of hearing to the defendant before passing temporary injunction. Hence, following order is passed:-

ORDER

1. Issue show cause notice to the defendant as to why injunction should not be granted to the plaintiffs R/O 06.03.2026
2. E.P. and S.B. as per rule.

Place- Ambajogai
Date- 21.02.2026

Sd/-
(A.M.Dhawale)
3rd Jt. Civil Judge, Jr. Dn.,
Ambajogai

-: CERTIFICATE :-

“I affirms that the contents of this P.D.F. file order are same word for word as per original order”.

Name of Stenographer (L.G) : A.S. Gangane -
Name of the court : J.M.F.C., Court No. 3,
Ambajogai
Date : 21.02.2026
Order signed by presiding officer on : 21.02.2026
Order uploaded on : 21.02.2026

Sd/-
(A.S. Gangane)
Stenographer Grade-3
3rd Jt.Civil and Criminal
Court, Ambajogai