

MHBI080010982022



R.C.S. No. 281/2022  
Madhukar +1 Vs. Tahsildar+8

ORDER BELOW EXH.134

This is an application filed on behalf of defendant Nos.2 for permission to tender an argument on temporary injunction application (Exh.5), though, in which, relief against him is not sought. He submits that, impugned order regarding suit way has been passed by defendant No.1 in his favour. Thus, he is interested person to tender an argument on said application on being necessary party. Hence, he urged to allow application.

2. The plaintiffs have opposed application by filing say on leaflet itself through their learned advocate. They submit that, this application is file on behalf of defendant No.2, when the matter is fixed for tendereing an argument on temporay injunction application (Exh.5), at last movement. Hence, they urged to reject application.

3. Heard, the learned advocates Mr. V. S. Joshi, on defendant No.2 and Mr. B. R. Dak, for the plaintiffs, at length. They have argued almost all the facts, which are pleaded by their respective parties, as mentioned supra.

4. Perused application, say and record of the case, minutely. The main suit is instituted for a decree of cancellation of impugned order passed by defendant No.1 vide Section 143 of the Maharashtra Land Revenue Code, 1966. It seems that, defendant No.2 is beneficiary of said order. Thus, this defendants requires to be heard on temporary injunction

application (Exh.5) being principle of natural justice. Obviously, defendant No.2's Civil rights going to be affected, if effects and operation of impugned order stayed during pendency of suit as sought in said application. The learned advocate for the plaintiff has also fairly admitted this legal aspects. Even otherwise, there is no question to cause prejudice to the plaintiffs, if this defendant allowed to tender an argument on said application.

6. In view of foregoing discussion, the application is deserves to be allowed In the result, I pass the following order.

**ORDER**

- 1) The application (Exh.134) is allowed.
- 2) The defendant No.2 is hereby permitted to tender an argument on temporary injunction application (Exh.5), for disposal in accordance with law.
- 3) The costs in main cause.

Date :- 12/11/2025.

(S. S. Budruk)  
Civil Judge Senior Division,  
Majalgaon.