



R.C.S. No.110/2023
Savita Vs. Bhimrao

Order below Exh. No. 5

Heard Ld. Advocate Shri S.N. Yandait for the plaintiff.
Read the plaint, application for temporary injunction and affidavit in support. Perused the documents.

02. Ld. Advocate for the plaintiff has contended that the plaintiff is the owner and in possession of 81R land in gat no.50 situated at village Amkhed. The plaintiff purchased 41R land from the defendant by way of registered sale-deed dated 28.10.2022. The plaintiff was already owner of remaining 40R land. The plaintiff has been cultivating the said property (Including the suit property i.e. 41R land purchased from defendant) through Sunil Wagh. The defendant's brother Samadhan has adjacent land to the suit property. The defendant is obstructing the possession of the plaintiff over the suit property. On 18.05.2023, the defendant and his brother Samadhan came to suit property and threatened Sunil Wagh, assaulted him. Therefore, being aggrieved by the obstruction of the defendant the plaintiff has filed present suit for perpetual injunction. Learned advocate for the plaintiff has further argued that the agricultural work at the advent of monsoon is in progress. The plaintiff would suffer irreparable loss if defendant would obstruct her possession over the suit property. Hence, learned advocate for the plaintiff has prayed that exparte injunction restraining the defendant from obstructing the possession of the plaintiff be issued against the defeated till his appearance.

03. It is notable that the present suit for perpetual injunction . On perusal of the record it appears that the plaintiff has purchased 41R land in gat no.50 situated at village Amkhd Tq. Chikhli from the defendant. The name of the plaintiff is mutated to the revenue record. Thus, apparently it is seen that plaintiff is in possession of suit property as claimed. The F.I.R..No.335/2023 filed by plaintiff apparently renders probable the apprehension of the plaintiff about obstruction. One cannot deny the agricultural work during monsoon season and obstruction to the same would result in loss to plaintiff. In such circumstances, if the defendant would be successful, the purpose of granting injunction would be defeated by delay. Therefore, the rights of plaintiff as claimed, are required to be protected till appearance of defendant. Hence, in result following order is passed:

ORDER

- 1) Issue ex parte temporary injunction restraining the defendant from obstructing the possession of the plaintiff over the suit property till his appearance.
- 2) Issue notice to the defendant to show cause as to why the injunction should not be continued till further order or specified time, R/o 21.06.2023.
- 3) Special Bailiff is allowed.
- 4) Emergent Process is allowed.
- 5) The plaintiff shall comply with the provisions of Order XXXIX Rule 3(a)of the C.P.C.

Place: Chikhali
Date:13.06.2023

(P.R. Kulkarni)
Jt. Civil Judge Jr. Dn.
Chikhali