

RCS No. 25/2024.

Bharat V/s. Ramesh.

ORDER BELOW EXH. 17.

(Dt. 19/06/2024)

1. Present application is filed by the plaintiff seeking ad-interim ex-parte temporary injunction. Defendants appeared through advocate and sought time to file written statement as well as say on Exh. 5 and present application.

2. Shri.S.B.Mundhe learned advocate for the plaintiff and Shri.S.A.Awchar learned advocate for defendants present. Defendants filed an application Exh. 18 seeking time to file say and W.S. Considering the date since which this application is pending it is taken up for disposal.

3. It is the contention of the plaintiff that, he is the possession of the suit property. The defendants are obstructing his possession. Learned advocate for the defendants submitted that, the defendants are in the possession of the suit property. In these circumstances, it is clear that, both the parties claim to be in possession of the suit property. As such, as the defendants have appeared and their oral contention is totally against the claim of plaintiff it would not be proper to draw any conclusion about possession of the suit property. It would be proper to hear both the parties after written statement and say is filed by the defendant. The possession is the most important aspect while deciding an application for injunction. As such, considering the stage of the matter, the rival submissions and the material available on record, following order is passed.

ORDER

(1)	Application is rejected.
(2)	Defendants are directed to file their say to application Exh. 5 on or before next fixed date, in the event of failure application Exh. 5 will be decided on the basis of contents in the application Exh. 5 and on the material available on record.
(3)	Adjourn to 21/06/2024 as per oral request of both parties.
	(Declared and pronounced in open Court)

Date. 19/06/2024**Sd/-****(Ramakant B. Hanwate)**

Civil Judge, Junior Division, Lonar.