

IN THE COURT OF JOINT CIVIL JUDGE (JUNIOR DIVISION), CHAMORCHI
(Presided Over by R. R. Khamatkar)

R.C.S. No. 28/2021
Amal Vs. Savita.

Appearance:-

Advocate for plaintiff - Mis. Kavita Moharkar.
Advocate for defendant - Shri. P. M. Dhait.

Order below Exh.05

This is an application for temporary injunction under Order 39, Rule 1 and 2 of The Code of Civil Procedure. To restrain defendant not to make any obstruct to the plaintiff over the suit property bearing Survey No.185, 192 and 200 situated at Mouza Sonapur, Tah. Chamorshi, Distt. Gadchiroli.

2] On 24.08.2021 this Court please to grant status quo till 27.08.2021. Thereafter, it was not extended till further period. It is contended by the learned advocate for plaintiff that plaintiff is cultivator by profession. The defendant No.1 and 2 are his sisters. The defendant No.3 is a husband of defendant No.1. He is long lasting possession over the suit property and now defendants are trying to disturb his possession over the suit property. In the meantime scuffle was taken place between them and therefore, report came to be lodged at Police Station, Chamorshi. If the obstruction is going on in such a way then there is a life of plaintiff came in danger. The question of law and order will come into picture. In such cases some relief must be required from the Court to restrain the illegal activity over this spot.

3] While passing order of status quo the summons was issued to the defendants. The defendant appeared before this Court on 24.08.2021. But from 24.08.2021 they have not filed their written statement and say over this application.

4] There is a season of cultivation of paddy seeds is going on. If obstruction is going on then he will suffer a financial loss and the crop will go out

of his hand. Therefore, application needs to be allowed. Only half land is under cultivation. Therefore, considering the facts of the case the plaintiff is entitled for injunction.

5] I have perused the record and documents filed by the plaintiff. The plaintiff is still in possession of the suit property. He is cultivating since long. The prior antecedent like scuffle took place between the parties is suggested that if such relief is not granted to the plaintiff then it will be go on and he may face a financial loss. Till today defendants have not filed their say over this application. The documents filed on record shows that the plaintiff is entitled for some interim relief. Thus, I proceed to pass following order.

ORDER

- 1] The ad-interim injunction is granted in favour of plaintiff till filling of reply of the defendants.
- 2] The defendants, their agent, servant or their representative acting on their behalf are hereby restrain to disturb the possession of the plaintiff over the suit property till further order.
- 3] The parties to note and accordingly.

Sd/-

Date: 14.09.2021

(R. R. Khamatkar)
Jt. Civil Judge (Jr.Dn.)
Chamorshi.