

RCS NO.108/2021

Sakubai & oth. vs. Shaikh Rasul

ORDER BELOW EXH.05

Perused the application and documents filed alongwith list of document at Exh.04 and 07. Heard Adv. Shri S.J.Vagdare for plaintiffs.

2) Plaintiffs have filed the suit for permanent injunction in respect of survey no.258 admeasuring about 02 H. 03 R. situated at Mauza Devdi Hadgaon, Tq -Ghansawangi, Dist -Jalna ('For short the suit property). Plaintiffs have prayed exparte injunction against the defendant. Plaintiffs claims to be in possession of the suit property. Accordingly there are averments in the application and also in affidavit filed in support of it. According to plaintiffs, on 15.08.2021 the defendant came in the suit filed and obstructed their possession. The defendant has attempted to dispossess plaintiffs from the suit property. The defendant has threatened the plaintiffs about dispossession. 7/12 extract of the suit property shows the name of plaintiffs. Plaintiffs have also filed 7/12 extract of survey no.263, which shows name of father of the defendant. Prima facie, plaintiffs are seen in possession of the suit property. Therefore, their possession required to be protected. Hence, I pass the following order,

ORDER

- 1] Issue exparte temporary injunction restraining the defendant from causing obstruction to plaintiffs possession over the suit property till he appears.
- 2) Issue show cause notice to the defendant as to why exparte injunction should not be continued till further order, returnable on 08.09.2021.
- 3) Special bailiff is allowed.

4) Emergent process is allowed.

5) Plaintiffs shall comply with the provisions of Order 39 Rule 3 (a) of The Code Of Civil Procedure, 1908.

Sd/-

(S.B. Shirsath)

Civil Judge (J.D.),
Ghansawangi.

Date : 03.09.2021