



**ORDER PASSED BELOW EXH.5**  
**IN REGULAR CIVIL SUIT NO.67/2026**

[ CNR No.MHKO090001632026 ]

Read the application and documents filed alongwith the application. The plaintiffs seeking ad-interim ex-parte relief. Having gone through the record, it appears that the caveat is already filed in the present suit by the defendants. It is well-settled principle of law that once a caveat is on record, no ex-parte order can be passed without affording the reasonable opportunity of hearing to the caveator. If without hearing the caveator, the ex-parte injunction order is passed, then the very purpose of filing the caveat will be frustrated. Furthermore, the plaintiffs while filing the suit also waived notice under Section 80 of Civil Procedure Code, which also says that if the notice under Section 80 is waived, ex-parte order cannot be passed. Furthermore, the order in dispute passed by the Mamalatdar Court is on 12.02.2026. As such, for the period over the 1 month, plaintiffs did not take any steps before this Court or before the Appellate Court. The plaintiffs approached this Court only now, when the said order is about to be implemented through the police aid.

2. I have also gone through the cases cited by the plaintiffs, in which also nowhere it is mentioned to pass ex-parte

order, when the caveat is filed. On the contrary, in one of the case, it is specifically held that passing of ex-parte injunction order is bad in law and cannot be justified. Thus, considering all these, I am of the view that the ex-parte injunction order cannot be granted. Thus, I pass the following order :-

### **ORDER**

- 1] Issue show-cause notices to defendant nos.3 to 14 as to why the ad-interim injunction should not be confirmed.
- 2] E.P and S.B. allowed, if prayed.
- 3] Plaintiffs to comply.

Place : Gadhinglaj.  
Date : 16.03.2026.

( N. S. Puri )  
Civil Judge Senior Division,  
Gadhinglaj