



ORDER PASSED BELOW EXH.28
IN SPECIAL CIVIL SUIT NO.74/2023

[CNR No.MHKO090006722023]

Read application and perused the documents filed in support. Originally the file was fixed on 02.01.2025. However, the plaintiff by showing urgency brought the file on board. It is the contention of the plaintiff that on 04.12.2024, the Circle Officer issued notice to the plaintiff regarding the possession. The date mentioned in the notice is 17.12.2024. Therefore, if the Circle Officer succeeded in taking the possession, then whole suit will be frustrated.

2. I have given thoughtful consideration to the said submission. Without touching to the merits of the application and contention of the plaintiff, it is prima-facie evident that notice was served on plaintiff regarding taking of possession. In the present suit, the plaintiff has claimed the rights in the property. Therefore, if meanwhile the possession of the property is taken, then there will be great hardship to the plaintiff. The fixed date of the suit is 02.01.2025. Therefore, if in meantime, the interim protection is not granted, then the plaintiff would suffer irreparable injury. Here, it is the fit case where the delay would defeat the purpose of the suit. Thus, till next date, it will be just and proper to grant

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interim injunction to the plaintiff. Hence, I pass the following order :-

ORDER

- 1] Defendant no.6 is hereby temporarily restrained from taking possession or acting upon the notice issued on dated 04.12.2024 till 02.01.2025.
- 2] Issue show-cause notice to the defendant no.6 as to why the ad-interim protection granted in favour of plaintiff shall not be confirmed.
- 3] Plaintiff to comply.

Place : Gadhinglaj.
Date : 11.12.2024.

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