

**MHKO150000012022**



R.C.S. No. 1/2022  
Laxmi vs. Krishna

**ORDER PASSED BELOW EXH. 05**

This is an application filed by plaintiff for temporary injunction under order XXXIX rule 1 and 2 of C.P.C.

2. The defendant has appeared. The defendant has filed undertaking at Exh. 25. The plaintiff filed their say below Exh. 25 and below this application.

3. Perused Exh. 5, Exh. 25 and say of both parties.

4. Heard Learned advocate Shri D. D. Ajagekar for plaintiff and Shri. D. J. Desai for defendant.

5. On perusing present application and affidavit of plaintiff, it appears that, plaintiff prayed temporary injunction for restraining defendant from making any construction in the suit property. On perusing undertaking at Exh. 25, it appears that, the defendant has given undertaking that, if at the time of partition his construction will be needed to be given to the other party, then he is ready to relinquish his constructed house to other party. Plaintiff by filing say admitted the undertaking of defendant. Both the parties have admitted the undertaking of defendant which was filed at Exh. 25. Therefore, I pass the following order,

**ORDER**

1. The application at Exh. No. 5 is allowed as per undertaking filed by defendant at Exh. 25.
2. The undertaking at Exh. 25 is part and parcel of this application.
3. The undertaking at Exh. 25 and present application disposed accordingly.
4. Considering peculiar circumstances, there is no order as to cost.

Date : 22.02.2022.

(S. P. Jadhav)  
Civil Judge J.D., Ajara.

**Certificate**

I affirm that the contents of this P.D.F file Judgment / Order are same, word to word, as per the original Judgment / Order.

Name of the Stenographer	Mrs. Y.S. Chavan
Name of Court	C.J.J.D. Ajara
Judgment / Order dictated on	22-02-2022
Judgment / Order typed on	22-02-2022
Judgment / Order signed by the P. O. on	22-02-2022
Judgment / Order uploaded on	23-02-2022