



R.C.S. No. 17/2023
Suraj vs. Dnyandev

Order passed below Exh. 5

1. Heard learned advocate Shri. S. S. Injal for plaintiff.
2. Read plaint, application for temporary injunction, documents filled on record. Heard learned advocate for plaintiff.
3. The plaintiff filled suit for perpetual injunction in respect of suit property. According to plaintiff, the suit property owned by plaintiff by registered sale deed. The defendant no. 1 by committing encroachment tried to make construction in the property which was owned by plaintiff. On perusing the documents, affidavit of plaintiff and photographs, it appears that, the defendant no. 1 tried to make construction over suit property. The plaintiff has produced documents, photos on record. The plaintiff filed affidavit in support of his claim. The plaintiff prayed for restraining the defendant no. 1 from making construction on suit property. On perusing the document on record and affidavit of plaintiff it reveals that, the suit property is owned by plaintiff. The defendant no. 1 has wanted to make construction on suit property.
4. Thus, prima facie it appears the suit property is owned by plaintiff. According to the plaintiff, the defendant no. 1 has wanted to make construction on the suit property. Therefore, rights of the plaintiff are required to be protected in respect of suit property. If any delay occurred in grant of injunction, such delay shall defeat the purpose of granting injunction.

5. Considering all aspect, there is exception and compelling case justifying the order of interim injunction. Hence, I pass following order,

ORDER

1. Issue Ex-parte temporary injunction restraining the defendant no. 1 from making further construction on suit property till the next date.
2. Issue show-cause notice to the defendant no. 1 as to why ex-parte injunction should not be continued till further order r/o 29/03/2023.
3. Special bailiff and emergent process are allowed.
4. The plaintiff shall comply with the provision of Order XXXIX Rule 3 (a) of the code of Civil Procedure.

Date : 18.03.2023.

(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	J.M.F.C. Ajara
Judgment/order Dictated on	18-03-2023
Judgment/order typed on	18-03-2023
Judgment/order signed by the P. O. on	18-03-2023
Judgment/order uploaded on	18-03-2023