



Order passed below Exh. 5 in R.C.S. No. 46/2023
(Shakuntala Vs. Sonabai)

1. Heard learned advocate Shri. G. J. Patil for plaintiff.
2. Read plaint, application for temporary injunction, documents filled on record.
3. The plaintiff filed present suit for perpetual injunction. According to plaintiff, the suit property is not partitioned and jointly owned by plaintiff and defendant. The partition suit R.C.S. No. 1/1991 was decreed, but the partition by metes and bounds not effected between parties. The defendants try to constructed house in suit property. Therefore, plaintiff prayed temporary injunction.
4. The plaintiff filled suit for perpetual injunction. According to plaintiff, defendants have try to make further construction. The record shows that, the defendant try to make construction over the suit property. The plaintiff's right is involved in suit property. Therefore, plaintiff filed suit for perpetual injunction. The plaintiff is joint owner of suit property. On perusing the document on record and affidavit of plaintiff it reveals that, the defendant try to make construction over the suit property.
5. Therefore, rights of the plaintiffs 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.

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

Order

1. The defendants are temporarily restrained from making further construction in suit property till next date.
2. Issue show-cause notice to defendants as to why ex-parte injunction should not be continued till further order r/o 13/07/2023.
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 : 30/06/2023.

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