

R.C.A. No.150/2025
Shripati V/s. Kamalbai & ors.
CNR No. MHLA010051012025

ORDER BELOW EXH.5

Heard learned counsel for the appellant. He is pressing for an ex-parte interim injunction. He took me through entire record. During pendency of suit, there was temporary injunction in favour of the plaintiff. Even after dismissal of suit vide order dated 03.11.2025, the operation and effect of the decree is stayed by the trial court till appeal period. Learned counsel has fairly submitted that caveat has been filed in this appeal and in advance notice of filing of this appeal has been given to the advocate of caveator. He has also filed track report showing notice has been served on the advocate. As there was temporary injunction order till the judgment and as the trial court itself stayed the operation and effect of the judgment and decree under Order-41, Rule-5 (2) of the Code of Civil Procedure, I think that ex-parte interim temporary injunction should be granted. Accordingly, following order.

Order

1. Ex-parte interim temporary injunction is granted.
2. Respondents are hereby restrained temporarily from making any kind of obstruction in the possession of the appellant in Gat No. 522 till her appearance.
3. The appellant shall comply order-39, rule-3 of the Code of Civil Procedure.

4. Issue show cause notice to the respondent as to why ex-parte temporary injunction granted should not be confirmed further.

Date : 18/11/2025

(Vidyadhar S. More)
Adhoc District Judge-1, Latur