

Order below Exh.05 In R.C.S. No.556 of 2025

(Passed on this 26th day of August, 2025)

Gunderao & Ors. Vrs. Prashant & Ors.

CNR NO.MHLA060026872025

Perused the application, the plaint and the documents produced by the plaintiffs.

02. Heard Ld. Advocate for the plaintiffs.

03. As per the plaintiffs, the land of defendants No.1 and 2 situated in gat No.21 of village Thodaga, Tq.Ahmedpur, Dist.Latur is the servient heritage and land of the plaintiffs in gat No.31 is the dominant heritage. The pipeline of the plaintiff passing through the servient heritage is the easementary right of the plaintiff over the dominant heritage. There is no specific mention of servient heritage in the consent deed produced by the plaintiff below list of documents at Exh.4/8. Further, defendant No.2 although a brother of defendant No.1, is not an executant of the aforementioned consent deed. Further, the consent deed is not a registered instrument.

04. Ad interim injunction shall be granted in exceptional cases. Owing to the above mentioned grounds, this case does not seem to be an exceptional case to grant ad interim injunction that is before hearing the otherside. Hence, issue notice to the defendants calling say why injunction as prayed by the plaintiffs shall not be granted.

Place: Ahmedpur.

Date:- 26.08.2025.

(Swanandi D. Wadgaonkar)

Jt. Civil Judge, J.D., Ahmedpur.