

Order below Exh No.5

(Satling Vs. Gundu and others)

Plaintiff has instituted the present suit for permanent injunction. The plaintiff vide prayed for Ex-parte ad interim temporary injunction to restrain the defendants from raising construction over the suit property.

2. It is a case of the plaintiff that, he and defendants are the neighbors. He further contended that the suit property is received by him from the government on 18.06.1987 since then he has been in the possession of the suit property and residing there with his family. However, defendants are making the encroachment over the suit property from western and southern side and raised construction over it. Therefore, son of plaintiff has filed the criminal case against the defendants bearing STC No. 174/2024. Hence, he has filed suit for injunction and consequential relief.

3. Heard advocate plaintiff. Perused plaint, Exh. No.5 affidavit and documents annexed with it.

4. I have gone through the documents, pleading on record. On the perusal of photos of alleged construction, it transpire that defendants had made construction upto plinth. Thus, relief claimed by the present plaintiff cannot be granted without hearing the defendants. Hence, his prayer for issuance of ex-parte ad interim temporary injunction is hereby rejected. Hence, I pass following order.

ORDER

- 1) Issue notice to defendants as to why temporary injunction should not be granted.
- 2) Special bailiff and Emergent process is allowed, if required.

Date: 28.08.2025

(Smt. Shubhangi H. Nalawade)

Ausa

3rd Jt.C.J.J.D., Ausa