

ORDER BELOW EXH.10 IN R. C. S. NO.43/2024

(Bina Vs. State and others.)

(Passed on this 21st *Day of August, 2024*)

CNRNO.MHLA170003412024

The plaintiff has filed application praying for ad-interim ex-parte injunction against defendants restraining them from obstructing and interfering on 20 feet road situated towards western side of Gat No.184/B/2 by destroying the said road and directing defendants No.1 to 5 to issue no objection certificate for construction of petrol pump to defendants No.6 and 7 after verification of documents. It is submitted by the plaintiff, that, she resident of Z. P. Girls school, Udgir. Defendant No.6 is resident of Ausa, defendant No.7 is resident of Handarguli, Tq. Udigr and defendants No.1 to 5 are Government Officers.

The plaintiff has purchased plot No.3 and 4 situated in Gat NO.184/B/2 from Vishal Vijaykumar Valsange in the year 2005. Defendants No.6 and 7 are having common land ad-measuring 1H 01R in Gat No.184/B/2. Defendants No.6 and 7 have made plotting in their land. Defendnats No.6 and 7 had sold plot No.3 and 4 to Vishal Vijaykumar Valsange in the year 1998. Both the plots are situated next to each other having four boundaries as follows:-

Towards eastern side - 15 feet wide road.

Towards western side - 20 feet Government road.

Towards southern side - Plot No.5 of Rajendra Vishwananth Chavan.

Towards northern side - Plot No.2.

Plot No.3 and 4 is purchased by the plaintiff having four boundareis as follows:-

- Towards eastern side - Latur Omerga State highway.
- Towards western side - Internal road.
- Towards southern side - Plot No.5 of Rajendra Vishwanath Chavan.
- Towards northern side - Plot No.2.

During the purchase of plot No.3 and 4 the 20 feet road towards western side was given to plaintiff as per the sale deed bearing No.2897/2005 dated 02.09.2005. Thereafter, the plaintiff is in possession of said plots. She is using 20 feet road situated towards western side of the plot in the S.No.184/B/2. The Manager of Petroleum Corporation Limited, Pakni is trying to construct petrol pump in the S.No.184/B/2 excluding plot No.3 and 4.

The Petroleum Corporation Limited, Pakni, Tq. Solapur has not shown 20 feet wide road towards western side of plot No.3 and 4. The plaintiff had filed application to defendant No.3 objecting that, owners of S.No.184/B/2 had not shown 20 feet wide road towards western side of the plot No.3 and 4 and they have given permission no objection for the construction of petrol pump in Gat No.184/B/2. However, defendant No.3 had not considered the application of the plaintiff and had given report to Manager of Petroleum Corporation Limited, Pakni that the land is suitable for the new petrol pump. Therefore, there is apprehension to the plaintiff that, 20 feet wide road situated towards western side of her plots would be acquired by defendants. Therefore, the plaintiffs has

filed this application for grant of ad-interim ex-parte injunction against defendants.

Heard learned counsel for plaintiff. He argued that, the Petroleum Corporation Limited, Pakni is in hurry to construct petrol pump on the Gat No.184/B/2 and defendants are likely to acquire the road for the petrol pump without permission of plaintiff though the said road is given to the plaintiff for her use as per the sale deed dated 02.09.2005. Therefore, he prayed for ad-interim ex-parte injunction granted in the favour of plaintiff.

Perused documents produced on record. The plaintiff has produced copy of application filed by plaintiff to the Tahasildar, copy of report of Tahasildar, copy of map, copy of letter of report of Tahasildar, copy of sale deed bearing No.225/1998, copy of sale deed bearing No.2897/2005, 7/12 extract of S.No.184/B/2, copy of map. Documents produced on record *prima-facily* reveals that, the plaintiff is the owner of plot No.3 and 4 situated in Gat No.184/B/2. However, the copy of sale deed bearing No.2897/2005 does not show any 20 feet road towards western side of plot No.3 and 4, on the contrary it shows Latur-Omerga State highway. Therefore, presently existence of 20 feet road towards western side of plot No.3 and 4 situated in Gat No.184/B/2 cannot be *prima-faciely* proved by the plaintiff. Hence, the plaintiff failed to prove her *prima-facie* case against defendants. It is necessary to grant an opportunity to defendants to put up their defence by filling of their written statement/say so that, real question of controversy between plaintiff and defendants can be decide. Therefore, the application filed by the plaintiff is liable to be rejected. Hence, I pass following order:-

ORDER

The application is rejected.

Date:-21.08.2024.

Place:- Ausa.

(P. I. Mokashi)
Civil Judge, Senior Division.
Ausa.