

MHLA170006542025



**Order below Exh.10 in R.C.S. No.51/2025.**  
**Bhimrao Digambar More Vs. Sharad More and others.**  
**(Order passed on 16<sup>th</sup> December, 2025.)**

The plaintiff has filed application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure for grant of ad-interim ex-parte injunction against defendants submitting that, plaintiff has filed suit for permanent injunction against defendants. The plaintiff is joint owner and possessor of land having old survey No.10/2/13/B presently Gat No.27/B situated at Devtala (Vasantnagar), Tq. Ausa, Dist. Latur. The said land is ancestral land of the plaintiff. The plaintiff has share in the well situated in the said land. Henceforth, the said well is known as “Suit Well”.

2. It is the contention of the plaintiff that, the plaintiff had filed the application for mutation of his name on the said well. Defendant No. 4 has given mutation No.265 on the basis of the application of the plaintiff which was objected. The said objection was decided by defendant No. 3 regarding mutation No. 265 in favour of defendant No. 1 as he is one of the employee of revenue department though there was no description of the well in the sale deed of defendant No.1. The plaintiff has irrigated his land bearing survey No. 25 through the pipeline from the said suit well. Taking benefit of the order passed by the defendant No. 3 defendant No. 1 has obstructed the plaintiff by putting thorn bushes on the suit well on 30/11/2025. Thereby prevented by the plaintiff from using the water of his share in the suit well. Hence, the plaintiff has *prima-facily* prove his case.

Therefore, the plaintiff prayed to allow his application restraining defendant No. 1 from causing any obstruction and interference to him.

3. Heard learned counsel for the plaintiff. Perused documents produced on record by the plaintiff. The plaintiff has produced copy of 7/12 extract of survey No.25/B, copy of 7/12 extract of survey No.26, copy of survey No.10/2/13/B, copy of 7/12 extract of survey No.27/B, copy of 7/12 extract of survey No.10/A/13, copy of 7/12 extract of survey No.27/A, copy of mutation entry No. 578, copy of mutation entry No. 265, copy of order passed by defendant No. 3, copy of sale deed bearing No.1766/2025, copy of sale deed bearing No.2925/2025, copy of Exh. 1 and 11 in R.C.S. No.57/1971 along with list Exh.4.

4. The contention of plaintiff that, defendant No. 1 has put thorn bushes on the well is not supported by *prima-facie* evidence. Moreover, putting thorns on the well if considered for sake of argument does not prevent plaintiff from lifting the water from the suit well to his agricultural land through the pipeline by an electrical pump. Thus, the plaintiff has not proved prima-facie case. Hence, the plaintiff is not entitled for the ad-interim ex-parte injunction. Hence, the application is liable to be rejected. Therefore, I pass following order:-

### **ORDER**

The application is rejected.

Place:-Ausa.  
Date : 16.12.2025.

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