

MHND120002232020



R.C.S.No. 12/2020
Dilip Vs. Gajanan & Anr.

ORDER BELOW EXH.26

This is suit for perpetual and mandatory injunction. Plaintiffs have filed an application for temporary injunction (Exh.7) vide Order XXXIX Rule 1 and 2 of the Code of Civil Procedure. Suit summons and notice in respect of application at Exh.7 were issued. They are duly served. None appeared for defendant No.1. Defendant No.2 has appeared. However, it has not filed his reply.

2) Present application is moved for grant of status-quo. Plaintiffs have produced certain documents alongwith list of documents (Exh.29). It discerns from those documents that defendants are carrying on the construction. The photographs on record reveals that defendants are about to lay slab. Those photographs appears to have been snapped today morning. Even defendant No.2 i.e. Chief Officer, Municipal Council, Bhokar has also issued notice to the defendant No.1 to stop his construction work. However, according to plaintiffs defendant is continuing the construction work. It is necessary to restrain him for raising further construction.

3) Notice of the application (Exh.7) and the suit summons

are served on defendant No.1 today itself. Therefore, defendant may need some time to appear in the suit after consulting his advocate. Therefore, it shall not be appropriate to proceed the suit ex-parte at once. However, it is necessary to protect the suit property till then. Hence, I find it appropriate to grant status-quo in favour of plaintiffs till appearance of defendant No.1. Consequently, I proceed to pass following order.

ORDER

1. Application is allowed.
2. Defendant No.1 is temporarily restricted from making any sort of construction over the disputed site till his appearance in the present suit or till the further orders are passed.
3. Plaintiff is directed to comply with Rule 3 (a) and (b) of Order XXXIX of the Code of Civil Procedure, till tomorrow.

Date: 22.01.2020

(M.P.Pande)
Civil Judge, Senior Division,
Bhokar.

CERTIFICATE

This is to certify that the contents of this PDF file are correct as per the signed judgment.

Dictated on	:	22.01.2020
Transcribed on	:	22.01.2020
checked on	:	22.01.2020
Signed on	:	22.01.2020

(M. P. Pande)

Dt. : 08.01.2020.

Addl. Chief Judicial Magistrate,
Bhokar.