

ORDER BELOW EXH.5

(Dated 14/08/2017)

1. Heard Advocate for plaintiffs. Read Plaintiff, application for temporary injunction with affidavit in support of an application for temporary injunction.

2. Perused the documents. Plaintiffs filed this suit for declaration and permanent injunction. It is the case of plaintiffs that, defendants are the relatives of the plaintiffs. The dispute is in respect of agriculture filed property bearing survey No. 434 situated at Parseoni. It is the contention of the plaintiffs that, namely Janrao Vyankatrao Tarar had got the entire suit property by way of oral partition which was taken in place prior to the year 1949. It is also contended that, brother of Janrao Tarar and Ramchandra Tarar have got the other agriculture properties as per the said partition. For this purpose plaintiffs rely on copy of 7/12 survey No. 425. It is the contention of the plaintiff that, as per oral partition the entire suit property was came in the share and possession of the father of the plaintiffs. Since then the father of plaintiffs was in the possession of entire suit property during his lifetime. It is also contention that, after the death of father of plaintiffs suit properties comes in the possession of plaintiffs and since then the plaintiffs are cultivating the entire suit property. For this purpose plaintiffs relied on 7/12 extract of survey No. 434 at document serial nos. 1 and 2 with list Exh. 4. It is also contention that, defendants are no concern with the suit properties. It is also contention that defendant No. 11 to 16 have applied for mutating their names in the 2. Revenue Record of the suit property and plaintiff no. 1 has made objection to the said application. Hence, plaintiffs are very apprehension that defendants are do illegal

activities. It is also submitted that, if the defendants are not restrained then plaintiffs would be dispossessed from the suit property. Hence, lastly plaintiffs prayed to restrained defendants for entering and obstructing peaceful possession of plaintiffs over the suit property.

3. I consider above submission along with record. This is the suit for declaration and permanent injunction. Plaintiffs prime facie shows their possession over the suit property. So they are having apprehension that defendants would create illegal act and disturb peaceful possession of plaintiffs. Submissions made by plaintiffs is on affidavit. Considering the above circumstances I am of the opinion that the plaintiffs are entitle for ad-interim injunction, because dealy will defeat purposed of injunction application. Hence, I pass the following order :-

ORDER

1. Issue ad-interim injunction restraining defendants, their agents, servants and any other authorize persons from entering in the suit property and also restrain from disturbing peaceful possession of the plaintiffs over the suit property till filing of say.
2. Issue Show Cause Notice to the defendants as to why ad-interim injunction should not be continue returnable on 01.09.2017.
3. Special bellif is allowed if required.
4. Plaintiffs shall complied order 39 rule 3 (a) of Civil Procedure Code.

Parseoni.
Date-14.08.2017

Sd/-
(S.D. Wankhede)
Civil Judge, Jr.Dn, Parseoni.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word, as per original order.

Name of Stenographer - S.D.Bhimte