

MHNS160000852026



R.C.S./15/2026

Vilas Dhondiram Deshmane Vs. Manik Khanderao Nikhade
COMMON ORDER BELOW EXH. 1 AND 5

1. The present application is filed under order XXXIX Rule 1 and 2 of Code of Civil Procedure 1908. Learned counsel for plaintiff prayed for ex-parte ad-interim injunction. Perused application, documents on record. Heard.

2. I have perused the documents. The suit is filed for injunction and compensation. It is contention of the plaintiff that, he has purchased the suit property in the year 2005 and since then he is in possession of suit property. It is submitted that, defendant field is adjacent to the plaintiff field after 13 ft. vide common road. However, the constantly obstruct plaintiff for peaceful enjoyment of suit property. It is the contention of the plaintiff that, since 2016 there are several occasion in which defendant is obstructing to plaintiff for performing agriculture operation and therefore several times police complaint was filed. The plaintiff therefore prayed for ad-interim ex-parte injunction against defendant. Considering facts and circumstances of the case, there is no such urgency so as to dispense with the mandatory requirement of issuance of notice to opposite parties. The opposite parties are required to be given an opportunity to be heard before passing or granting any relief. Hon'ble Apex Court in **Ramrameshwari Devi & others Vs. Nirmala Devi and others** held that, short notice be issued to the defendant and only after hearing parties appropriate order should have been passed. There is no such urgency so as to dispense with the mandatory requirement of issuance of notice to opposite parties. Hence, considering the account of matter I pass following order :-

ORDER

- 1] Issue suit summons to the defendant for statement of issue and for filing their written statement.
- 2] Issue show cause notices to the defendant as to why injunction prayed should not be granted returnable on 24.01.2026
- 3] E. P. and S. B is allowed if requested and on payment of necessary charges as per law.
- 4] Concern to comply accordingly.

Date:-22/01/2026

(S.S.CHHALLANI)
Civil Judge J. D.,
Chandwad.