

MHNS160001392026



ORDER BELOW EXH.5 IN R.C.S. 20/2026
(Passed on 3 February, 2026)

**Naseem Shabir Patel and others Vs. Hasanur Raheman
Patel and others**

1. Read the plaint, T. I. application and perused the documents filed along with the suit. Heard, learned advocate Shri- S. S. Thorat for plaintiffs.

2. The present suit has been filed for relief of declaration, partition and perpetual injunction. Plaintiff have also filed application under order 39 Rule 1, 2 of C.P.C. to restrain defendant no. 1 to 3 or anybody on their behalf from making construction over suit property till disposal of the suit. Heard Ld. Adv. for plaintiffs. However considering all the documents appearing on record, at this juncture, I do not found substance and extreme urgency to pass ad-interim injunction order in favour of plaintiffs.

3. In view of guidelines of the Hon'ble Supreme Court in granting ex-parte ad-interim injunctions or stay orders, the courts should be very cautious. Ordinary short notice should be issued to defendant. Only after hearing

concerned parties, appropriate order should be passed.

4. In view of settled law and in view of **Rule 3 of Order 39** of Code of Civil Procedure, 1908, the short notice can be issued to defendants before passing order regarding interim injunction. The opportunity of being heard should be given to other side before passing any order against them. Moreover, it is principle of natural justice. Hence, considering all these facts and circumstances I pass following order :-

ORDER

1. Issue show cause notice to defendant no. 1 to 3 as to why interim injunction against them should not be granted in favour of plaintiff R/o.11.02.2026.
2. On exigencies put forth, E.P.S.B. allowed if claimed.

Date : 03.02.2026.
Place: Chandwad.

(Vrushali D. Sungare)
Jt.Civil Judge (J.D)
Chandwad.