

MHNS160010042025



R.C.S./174/2025
Dilip Dattu Thakare Vs. Rajaram Dattu Thakare
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 measurement and perpetual injunction. 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 defendants as to why injunction prayed should not be granted returnable on 11.08.2025.
- 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:-28/07/2025

(S.S.CHHALLANI)
I/c Jt. Civil Judge J. D.,
Chandwad.