

**ORDER BELOW EXH.5 IN R.C.S. 270/2025**  
**(Passed on 14 November, 2025)**

**Kiyan Rupesh Thombare and others Vs. Rupesh Ramdas Thombare and others**

1. Read the plaint, application and perused the documents filed along with the suit. Heard, learned advocate Shri- N. S. Walke for plaintiff.

2. The present suit has been filed for the relief of partition, separate, possession declaration and perpetual injunction. Plaintiff has also filed application under order 39 Rule 1, 2 of C.P.C. to restrain defendants or anybody on their behalf from creating third party interest over suit property. Heard Ld. Adv. for plaintiff. 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 plaintiff.

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 defendant 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 defendants as to why interim injunction against him should not be granted in favour of plaintiff R/o.05.12.2025 on P.F.
2. On exigencies putforth, E.P.S.B. allowed if claimed.

Date : 14.11.2025.  
Place: Chandwad.

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