

ORDER BELOW EXH. 05

(Passed on 25th May, 2026)

Read application. Heard Ld. Advocate for plaintiff at length. Present application is filed as per the provision of Order 39 Rule 01 of C.P.C for temporary injunction restraining defendant from interfering lawful possession of the plaintiff over the suit land by constructing bandh road in land block no.237, 238 situated at Shekapur, Tq. Bhoom Dist. Dharashiv.

2. I have perused the record. Plaintiff have filed copy of order passed by Tehsildar Bhoom dated 18/07/2025 in Sanchika No.2024/Jama-2/Kavi/155 by which it was ordered that the prayer of applicant regarding road from the bandh of Gut No. 237 and 238 was granted and Mandal Adhikari Mankeshwar Tq. Bhoom was directed to execute the order as per law.

3. Ld. Advocate for plaintiff submitted that, the said order passed by Hon'ble Tehsildar is against the law, as there exist no any bandh between Gut No.237 and 238. The notices were issued to the parties for execution of said order. If the order would be executed, it will cause irreparable loss to the plaintiff to the extent of 10 to 12 R land which is own by the plaintiff. Hence, the Ld. Advocate of plaintiff prayed for ex-parte ad interim injunction or alternatively status-quo order till the hearing of Exh.5.

R.C.S No. 261/2026
Harun Shaikh & anr.
Vs.
State of Maharashtra & Ors.
Order below Exh. 05

4. I have perused the record and proceeding. The order regarding road on the bandh of Gut No.237 and 238 was passed on 18/07/2025. The present suit was filed in May 2026. Considering the prayer and order based on which the present suit for perpetual injunction was filed, it is necessary to give opportunity of hearing to the defendants before passing any order on Exh.5. Therefore, in such circumstances show cause notice needs to be issue. Accordingly, I Proceed to pass the following order.

ORDER

1. Issue show cause notice to the defendants as to why temporary injunction shall not be granted as prayed for R/o 02/06/2026
2. E.P and S.B. is allowed if prayed by plaintiff.

(Dictated and pronounced in open Court.)

Date : 25/05/2026

(Smt. P S. Jadhav)
I/c Jt. Civil Judge Sr. Dn.,
Bhoom.

R.C.S No. 261/2026
Harun Shaikh & anr.
Vs.
State of Maharashtra & Ors.
Order below Exh. 05

CERTIFICATE

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

Name of Stenographer	Shri. D. B. Nikam Stenographer Grade-III
Court	2nd Jt. Civil Court Sr. Dn., Bhoom.
Date	25/05/2026
Order signed by Presiding Officer on	25/05/2026
Order uploaded on	25/05/52026