

MHOS150019522022



R.C.S. No.: 970/2022
Mandabai V/s. Pappu
CNRNO.MHOS150019522022

AD-INTERIM ORDER BELOW EXH. 05

1) Perused the application and supporting documents filed thereon. Heard Ld. Counsel for the plaintiff. It is averred that the plaintiff owns and possess field gat no. 1108 at Mouza Shelgaon Tq. Paranda adm. 89 R by way of sale deed dated 16-04-2009 for consideration of Rs. 2,35,000/- . It is further averred that on 16-04-2009 Kantilal Hariba Matala sold 81 R land from the field gat no. 1108 to one Sarjerao Gundiba Jadhav and said 81 R land was sold to present plaintiff by way of sale deed dated 15-11-2010 by Sarjerao Gundiba Jadhav for consideration of Rs. 2,80,000/-. Thus, according to the plaintiff she owns and possess gat no. 1108 adm. 01 H 70 R land and accordingly name of plaintiff is recorded in revenue record vide entries no. 1920 and 2155.

2) It is further contended that the plaintiff sowed the crops of sugarcane in her field i.e. gat no. 1108. However, the defendant on the basis of mutation entry bearing no. 4116 disturbing the possession of plaintiff by cutting the crops from the field gat no. 1108. According to the plaintiff, she was not party to the proceeding and she was unaware as to how her name is deleted from revenue record. The plaintiff further submitted that he has filed necessary proceeding before Sub Divisional Officer, Bhoom and the said matter is pending for adjudication.

3) To show prima-facie possession, the plaintiff has filed on record various documents on record such as 7/12 extract of field no. 1108,

sale deed and mutation entries bearing no. 1920 and 2155. The plaintiff filed on record certain photographs showing cutting of sugarcane and copy of N.C. report dated 01-12-2022 showing the defendant is disturbing the possession of the plaintiff. The pleadings in the application clearly shows that the obstruction has been caused to the field belonging to the plaintiff i.e. gat no. 1108 at the instance of the defendant. Therefore, in such circumstances and as the defendant is cutting the crops from the field gat no. 1108 possession belonging to the plaintiff needs to be protected. Hence, I proceed to pass the following order.

ORDER

- 1) Issue Ad-interim ex-parte injunction against the defendant restraining him from causing obstruction to the plaintiff's field i.e. field no. 1108 till 12/12/2022.
- 2) Issue shows cause notice to the defendant for filling his say as to why ad-interim ex-parte injunction shall not make absolute returnable on 12/12/2022.
- 3) The plaintiff is directed to comply Order 39 Rule 3 of the CPC within the time, otherwise this order deem to be vacated.
- 4) EP and SB allowed, if any.

Date: 03/12/2022

Sd/-
(P. S. Thakare)
Jt. CJJD, Paranda

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. V.N.Phurade
Name of Court	Shri. P.S.Thakare, Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	03/12/2022
Judgment signed by the P.O. on	03/12/2022
Judgment/Order uploaded on	03/12/2022