

ORDER BELOW EXH.05.

Heard Ld. Advocate Shri. K.A. Tengse on behalf of plaintiff. Also gone through the plaint and documents annexed. It is contented on the behalf of plaintiff that the Tahsildar illegally passed an order dated 02.06.2025, directing to mutate 01 R land out of Gut No.255/1 situated at Mauje Aanandwadi, Tq. Gangakhed, Dist. Parbhani and also directing Gram Mahsool Adhikari to remove obstruction. Feeling aggrieved by that order plaintiff filed the present suit and requested for ad-interim injunction order restraining the defendants from taking possession of 01 R land.

02- On going through the plaint, it appears that mandatory notice under Section 80 of C.P.C. has been dispensed with. As per Section 80(2) of C.P.C., when notice under Section 80 of C.P.C. has been dispensed with, in such circumstances the Court shall not grant relief in the suit interim or otherwise except after giving a reasonable opportunity of showing cause the relief prayed. Looking to nature of relief claimed, as well as statutory provisions, it is not a fit case in which ad-interim ex-parte injunction can be grant. It would be justifiable to grant an opportunity of being heard to the Government or public officers against whom the suit has been filed. Hence, I proceed to pass following order.

ORDER

- (i) Issue notice to the defendants to show cause as to why injunction shall not be granted as claimed returnable on **19/06/2025**.
- (ii) S.B. and E.P. is allowed if prayed.

Date: 12/06/2025

(G.B. Yadav),
Civil Judge, Senior Division,
Gangakhed.