

MHPA170022412025



R.C.S. No.144/2025

Gautam & Ors. Vs. B.D.O. & Ors.

Order below Exh.05

(Passed on 13th November, 2025)

- 1] Perused the application, plaint and documents.
- 2] Heard learned advocate for plaintiffs.
- 3] The plaintiffs have instituted present suit for permanent injunction to protect their possession over Gram Panchayat Property No.209, 209/1 and 209/2, admeasuring 1221 sq.ft. and situated at Mauje Pachegaon, Ta.Jintur, Dist. Parbhani (hereinafter mentioned to as “suit property” in short). According to plaintiffs, suit property is vested to them by virtue of succession and they are in the peaceful possession of suit property from long time without obstruction and interference. Plaintiffs have further submitted that they are residing with their family over suit property and old construction exists on suit property. Defendants are trying to remove plaintiffs from suit property in the garb of removal of encroachment.
- 4] Learned advocate for plaintiffs has argued that if Ex-parte ad-interim injunction is not granted then there is every possibility of forceful dispossession of plaintiffs which will ultimately result into irreparable loss of plaintiffs. He further argued that plaintiffs have filed sufficient documentary evidence before court to claim the relief.
- 5] The plaintiffs in support of their application have filed xerox copy of death certificate of deceased Gautam Mahadu Dongare, certified copy of Namuna 8 of suit property, certified copy of Gram Panchayat

assessment register of suit property, true copy of application made by B.D.O., true copy of application made to Tahsildar, xerox copy of letter of Tahsildar to plaintiff no.4, letter issued by B.D.O. to Sarpanch and original tax receipts of suit property. At this juncture, it appears that, plaintiffs are in the possession of suit property as owner thereof. It also appears that documents related to ownership of suit property were destroyed in fire. If possession of plaintiffs is not protected by granting Ex-parte ad-interim injunction then object of institution of suit will get frustrated. There appears extreme urgency to plaintiffs to claim the relief and exceptional circumstances are also made out as there is strong apprehension to dispossess plaintiffs from suit property after 14/11/2025. No prejudice will cause to other side if ex-parte ad-interim injunction is granted till next date. Therefore, I hereby pass the following order.

Order

1. Ex-parte ad-interim injunction is granted to plaintiffs and defendants are directed not to disturb the peaceful possession of plaintiffs over Gram Panchayat Property No.209, 209/1 and 209/2, admeasuring 1221 sq.ft., situated at Mauje Pachegaon, Ta.Jintur, Dist. Parbhani till next date.
2. Plaintiffs are directed to comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure.
3. E.P. and S.B. allowed.

[Directly dictated and typed on court computer in open Court]

Date:- 13/11/2025

(N. P. Talnikar)
Civil Judge (J.D.),
Jintur.

Certificate

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

Name of Steno	:- Ku. S. V. Vishnupurikar
Court Name	:- Judicial Magistrate F.C., Jintur
Dictated on	:- 13/11/2025
Signed by Presiding Officer on	:- 13/11/2025
Uploaded on	:- 13/11/2025