

CNR NO. MHPU100001392023



**Order passed below Exh.16.**  
**(Passed on dated:- 22/11/2023)**

The present application is filed on behalf of the plaintiff for seeking the relief of ad-interim temporary injunction against the defendants. It is prayed herein that the suit is filed for declaration and perpetual injunction against the defendants. The defendant no. 2 to 10 obtained building permission BP/Chikhli/87/2021 from the defendant n o. 1 on 26/07/2021. Present suit is filed for seeking order of perpetual injunction against the defendant no. 1 to restrain them from issuing completion certificate in respect of building permission BP/Chikhli/87/2021. For the same purpose, the plaintiff sent notice to the defendant no. 1 on 26/05/2023. But, he has not received any reply. Hence, he has moved this application for seeking relief of ad-interim temporary injunction against the defendant no. 1 to restrain them from issuing completion certificate in respect of building permission BP/Chikhli/87/2021 till final decision of the application for temporary injunction at Exh. 5. It is also pleaded that the defendant no. 2 to 10 has constructed the building in the landed property owned by the plaintiff. Hence, if this application is not allowed, the defendant no. 2 to 10 would grab the suit property. Then the suit will become infructuous. Therefore, the plaintiff prayed for granting ad-interim temporary injunction against the defendants.

2. The defendants filed say below this application. Hence, their say was

called below this application. Defendant no. 1, 3, 4 and 7 to 10 filed say below this application. It is contended on their behalf that there is no such urgency in this matter to claim ad-interim temporary injunction. All the defendants have not yet appeared before this Court. The application is not legal and *bona fide*. Hence, it is ultimately prayed that this application should be rejected.

3. Heard both the sides. Perused record of the case. The defendant no. 1 filed say and written statement at Exh. 30. The defendant no. 2 filed say and written statement at Exh. 23. The defendant no. 3, 4 and 7 to 10 adopted the say and written statement at Exh. 23 by filing pursis at Exh. 26. In such situation, I am of the opinion that the plaintiff failed to establish the urgency in this matter that could compel this Court to issue ad-interim injunction as prayed. In fact, Court can proceed with the hearing the argument of both sides on Exh. 5 after passing necessary orders in respect of certain defendants below Exh. 1 if they fail to file their say and written statement on record till next date. Accordingly, I pass the following order-

### ORDER

1. The application is rejected.

Sd/-xxx

Dated: 22/11/2023.

(S. P. Kulkarni)  
Civil Judge Junior Division  
P.C.M.C. Court, Akurdi, Pune.

**CERTIFICATE**

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

Name of Stenographer :- P.B. Jadhav

Court Name :- Smt. S. P. Kulkarni,  
(J.M.F.C.) Civil and Criminal Court (P.C.M.C.),  
Akurdi, Pune.

Date :- 22/11/2023

Order signed by  
presiding officer on :- 22/11/2023

Order uploaded on :- 22/11/2023