

CNR NO. MHPU100001562025



ORDER BELOW EXH.05.

(Dated: 30.09.2025)

This is an application filed by plaintiff under order 39 Rule 1 & 2 of Code of Civil Procedure, 1908.

2. Heard Ld. Advocate Shri. Bhagat for plaintiff at length.

3. Perused record. Suit is for declaration and permanent injunction. Counsel for plaintiff argued that, they are owners of suit property and obtained regularization certificate for the construction of approximately 369.09 Sq. meters. But now defendants have sent notice to her under section 55 of the Maharashtra Regional and Town Planning Act, 1966 and directed to remove unauthorized construction. If they will take action on the basis of notice then, it will be harm to her. After perusing documents then, it shows that, notice have been sent on 04/02/2025 and thereafter defendant again given intimation dated 07/05/2025. Prima facie it shows that, defendant did not want to demolition all the suit property, they have given notice only to the extent of 20 Sq. meter unauthorized patra shed. Therefore, before passing any ex-parte temporary injunction considering the principle of audi alteram partem, it is necessary to heard defendant also. Hence, I proceed to pass following order:

ORDER

- 1] Issue show cause notice to defendants as to why ex- parte temporary injunction should not be granted against them, returnable on 09/10/2025.
- 2] E.P. & S.B. allowed, if prayed.

Dated: 30/09/2025.

Sd/-xxx
(V. S. Damare)
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 :- Shri. V. S. Damare,
(J.M.F.C.) Civil and Criminal Court (P.C.M.C.),
Akurdi, Pune.

Date :- 30/09/2025

Order signed by
presiding officer on :- 30/09/2025

Order uploaded on :- 30/09/2025