

INTERIM ORDER ON EXH.05 IN R.C.S.No.32/2025

**Gajanan Shete & Ors. Vs. Bhor Nagar Parishad
(19/03/2025)**

01- The plaintiff has filed the present suit against the defendants seeking an order of injunction to restrain them from carrying out the construction of an RCC drain on the suit property.

02- It is submitted that the suit property 1A is jointly owned by the plaintiff, whereas the suit property 1B is owned by Shri Waghjai Temple, Bhor, along with other parties. The suit property 1A is located to the east of property 1B and consists of agricultural land. As per the development plan of Bhor city, there is no mention of any natural stream or watercourse passing through the entire Gat No. 79 or the adjoining properties. However, on 01/02/2024, the Bhor Municipal Council, based on incorrect and unlawful information, approved the construction of an R.C.C. drain near Waghjai Temple and commenced the work through a contractor. Upon perusal of the work order, it is evident that the location of the proposed construction is not specified. Therefore, the plaintiff prays that an order of *status quo* be passed in respect of the suit properties until the application for injunction in the present matter is finally decided.

03- Heard advocate for the applicant. Perused record. On perusal of the pleadings and documents on record, it appears that the plaintiff has made out a *prima facie* case. The balance of convenience lies in favor of the plaintiff, and if the relief sought is not granted, the plaintiff will suffer irreparable loss. In view of the

above, this Court finds it just and proper to grant an ad-interim ex-parte injunction and to direct the parties to maintain *status quo* regarding the suit property until the next date of hearing.

ORDER

- 1] The defendants, their agents, servants, and any person acting through or on their behalf are hereby **restrained from carrying out any construction** of the RCC drain or altering the nature of the suit property **until further orders**.
- 2] Both parties are directed to **maintain status quo** in respect of the suit property **until the next date of hearing**.
- 3] Issue notice to the defendants r/n on 02/04/2025.
- 4] Plaintiff to comply with **Order 39 Rule 3 of the CPC**.

Bhor.
Dt. 19/03/2025

(M. W. Jadhav)
Jt. C.J.J.D, Bhor.

CERTIFICATE

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

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| Name of the Court | :- Hon'ble Smt. Meena W. Jadhav C.J.J.D. & J.M.F.C., Bhore, Pune |
| Name of the Steno | :- M. S. Kondhare L.G. |
| Date of Order | :- 19/03/2025 |
| Signed by P.O. | :- 19/03/2025 |
| Order uploaded on | :- 19/03/2025 |