

ORDER PASSED BELOW EXHIBIT NO.5
IN R.C.S. NO. 115 /2026

01. I have perused the plaint, instant application and documents filed on record. Heard Ld advocate of the plaintiff. He argued that the suit property is originally owned by defendant No.1 and same is lease out to defendant No. 2 in the year 1985. Thereafter the defendant No. 2 transferred the suit property to defendant No. 3. Accordingly, defendant No 3 by way of leave and license dated 29/03/2022 permitted the plaintiff to occupy and carry out business in the suit property. However, recently defendant No. 1 issued notice and directed the plaintiff to vacate the suit premises within 03 days. Hence, it is necessary to restrain the defendant no. 1. In support of his argument he relied on list of documents filed along with Exh. 3.

02- Perused record. After perusal of contention of the plaintiff it appears that defendant No. 1 i.e. principle council is owner of the suit property. Thereafter, the defendant No.1 entrusted the suit property to defendant No. 2 vide resolution number 182. It seems that the Municipal council is owner of the suit property. As per Section 100A of Maharashtra Municipal Council, Nagarpanchayat and Industrial Township Act 1965, Government Premises (eviction) Act is applicable to Municipal Premises. After perusal of the said Act it appears that the provision of appeal is available to the plaintiff in case of any order pass by the competent authority. In this situation

there is no extra ordinary strong prima facie case is made out to grant ad-interim injunction against the public authority i.e. defendant No. 1. On the other hand, it would be appropriate to heard defendant and the prayer of the plaintiff can be considered after their appearance. Hence, I pass the following order.

:- ORDER :-

1. Issue show cause notice of this application to the defendants returnable on 15.06.2026.
2. Special bailiff allowed subject to payment of bhatta.

Bhor
Date : 11.06.2025..

(S.D.Shirsat)
Jt.Civil judge, Jr. Dn.,
Bhor, Dist. Pune