

R.C.S. NO.111/2025

ORDER PASSED BELOW EXH.11

(Baban Yadav V/s Pandharinath Yadav)

Present application(Exh.11) is filed by plaintiff for ad-interim injunction against defendants in respect of suit property. It is the contention of plaintiff that the suit property is in possession of plaintiff having road for use of plaintiff towards South side of the suit property. In BND/SR/37/2024, the decision by Hon'ble Tehsildar, Purandar, dtd.20/01/2025 has been passed in favour of defendant no.1. However, the plaintiff challenged the order in present suit. The order of Hon'ble Tehsildar is against principles of natural justice. The measurement had wrongly taken.

2. On first date, on interim application, issue notice to defendant order has been passed. Next date 24/04/2025 has been given. Today, the plaintiff filed an application before In-charge court to take the matter on board. He contended that Sub-Divisional Officer issued notice to plaintiff that on 02/04/2025, the order dtd.29/03/2025 to take possession of encroached portion in possession of plaintiff will be handed over to defendant. Accordingly, on tomorrow, the defendants will take possession of plaintiff's property, when present suit is pending for that purpose. If possession taken, the suit will be infructuous. The plaintiff further contended that in notice, applicant is Pandharinath Rajaram Yadav. On current 7/12 extract produced at Exh.3 at Sr.No.2, it clears that he has transferred whole property to third person. Therefore, he cannot take

possession as per notice dtd.20/03/2025. Hence, prayed for ad-interim injunction against defendant.

3. Perused the documents. Prima-facie it appears that, the present suit is filed challenging order of Tahasildar dtd.20/01/2025. However, it clears that the notice to take possession on 02/04/2025 is about the same decision. On first date, notice has been issued to defendants, however, yet notices are not issued. The notice given by Sub-Divisional officer clears that the execution will be on tomorrow. It clears urgency in favour of plaintiff. If injunction not given till appearance of defendants, it will cause hardship to plaintiff. In such circumstances, considering urgency, to protect the suit property and the interest of plaintiff, it is just to order status-quo in respect of suit property. Hence, following order is passed.

ORDER

1. The plaintiff and defendants are directed to maintain status-quo in respect of suit property till appearance of defendants.
2. Issue notice to defendants as to why status-quo should not be continued against them r/on 09/04/2025.
3. Plaintiff to comply Order 39 Rule 3(a) of the CPC.
4. EP & SB allowed.

Saswad.
Date : 01/04/2025

(Mrs. S. K. Deshmukh)
Jt. Civil Judge, Jr. Dn., Saswad.
I/c 2nd Jt.CJJD, Saswad