

ORDER BELOW EXH. 41

1. This is an application for grant of ad-interim temporary injunction. Read the application and reply of defendant No. 1. Heard Ld. advocates for the rival parties.

2. Ld. Advocate for plaintiffs submitted that, the plaintiffs are having $\frac{1}{4}$ share in the property described para no. 1 (q) of the plaint. This property consists of a right of worship in *Shrinath Mhaskoba* Temple, performance of traditional religious ceremonies and receiving income from it. There is *Somavati Amavasya* on 06-09-2021 and there is tradition of performance of religious ceremonies in the temple on this occasion. However, there is possibility of resistance at the hands of defendant no. 1 to the plaintiffs from taking part in the performance of religious ceremony on that day. Therefore, he prayed to restrain defendant no. 1 from committing any act of resistance to the plaintiffs from performance of religious ceremonies on 06-09-2021.

3. The Ld. Advocate for defendant no. 1 submitted that, the religious gathering is banned by the Government due to outbreak of Covid- 19 virus. Therefore, the apprehension in the mind of plaintiffs is incorrect. There is no such tradition of religious gathering in the said temple on the occasion of *Somavati Amavasya*. Therefore, he prayed to reject the application.

4. At this stage this court is bound to take judicial

notice of the fact that religious gathering is banned by the State Government due to outbreak of Corona virus. Therefore, even if it is assumed that there is tradition of performance of religious ceremony on the occasion of *Somavati Amavasya* in said temple, neither the plaintiffs nor the defendant no. 1 to 14 can be said to have right to perform religious ceremony in view of the ban imposed by State Government. In such circumstances there is no possibility of resistance at the hands of defendant no. 1 to the plaintiffs in performance of religious ceremony. Therefore, this is not a fit case to pass an order for ad-interim temporary injunction as prayed. Hence, I pass following order.

ORDER

Application stands rejected.

Place : Saswad
Date : 03/09/2021

(N.H. Tikhe)
Civil Judge Junior Division
Saswad

CERTIFICATE

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

Name of Steno : R.V.Beldar, Stenographer, (L.G.)

Court Name : Shri. N. H. Tikhe
Jt.Civil Judge Jr. Division, Saswad.

Date of Judgment : 03/09/2021

Judgment signed by presiding officer on : 03/09/2021

Judgment uploaded on : 07/09/2021