

Bhagwan Ganpat Shinde
Vs
Krushni Utpann Bajar Samiti
Manchar tarfe Chairman
Nilesh Vilas Thorat

ORDER BELOW EXHIBIT NO. 05

This is an application for grant of temporary injunction filed by plaintiffs. The Ld. advocate for plaintiffs pressed for ad interim exparte temporary injunction.

2. Heard the Ld. advocate for the plaintiffs. Considered his submission.
3. Read plaint, temporary injunction application and affidavit filed in support of the temporary injunction application . Perused the document.
4. The Ld. Adv for plaintiffs submitted that the suit is for declaration and permanent injunction. The Tahasildar of Ambegaon allow the application bearing B N D case No.31/2022. In the said application plaintiffs were the respondents. By the said application Tahasildar directed to give possession to the applicant from respondents. The said application is decided on 28/05/2025. To file appeal against the said application there is 60 days limitation. Despite that Circle Officer, Ambegaon issued notice to the plaintiffs stating that they will eject the plaintiffs and give possession to the defendants on 13/06/2025 at 11.00 am.
5. He further submitted that in these circumstances if the defendants took the possession on 13/06/2025 from plaintiffs by the order of Tahasildar and Circle officer, Ambegaon then there is no use of this suit. The plaintiffs will be dispossessed from their land. The plaintiffs will suffer irreparable loss. From the notice of Tahsildar it is clear that the possession of suit property is not with

the defendant and he is trying to take possession as early as possible. Accordingly, section 138(4) of Maharashtra Land Revenue Code, any person who has been ejected, he may file Civil Suit in the Civil Court within a period of 1 year from the date of ejection. Therefore, Civil Court has jurisdiction to try this suit. Hence he prayed for grant Ad interim exparte temporary injunction.

6. Perused the application. There is urgency in the matter as Circle officer, Ambegoan issued notice regarding delivery of possession of suit property to the defendants. In support of this contention the plaintiffs have filed original copy of said notice and verified copy of decision of BND case No.31/2022. According to the plaintiffs if the said possession is given to the defendants then the subject matter of the suit will frustrate. Prima facie it appears that plaintiffs will suffer irreparable loss by the execution of said order of Tahasildar. If the application is allowed then the execution of said order will prolong for some time. Hence, the defendants will not suffer any loss. If application is rejected then there will be a multiplicity of proceedings and complications.

7. To decide the temporary injunction application on merit and to find out the real situation, say of the defendants is necessary. Till date in order to avoid the multiplicity of proceedings and complications, it is necessary to allow the prayer of ad interim exparte temporary injunction in the interest of justice. Considering the facts and circumstances of the suit, the prayer of ad interim exparte temporary injunction is deserves to be allowed. Hence, following order is passed.

ORDER

1. The prayer of plaintiffs to grant ad interim exparte temporary injunction is allowed till next date.

2. The defendant No.1 and 2, their agents, servants, assignees are directed not to obstruct the possession of plaintiffs in any manner till next date.
3. Issue notice to defendants as to why order of ad interim exparte temporary injunction should not be continued against them returnable on **30/06/2025**.
4. EP and SB is allowed, if any.

Sd/-

Date : 12/06/2025
Place : Ghodegaon

(Sneha Sunil Pulujkar)
2nd Jt. Civil Judge Junior Division,
Ghodegaon, Dist. Pune.