

ORDER BELOW EXH.12

1. Heard learned advocate for the plaintiff.
2. Read the plaint, application for ad-interim injunction and documents filed on record. The present application is supported by an affidavit.
3. The plaintiff claimed to be in the possession of suit property. The plaintiff has filed the suit for declaration that the partition deed is null and void and injunction. According to the plaintiff the defendant no.7 has started construction in survey no.5, hissa no.5/D situated at mauje Khambewadi, Tal.Khalapur, Dist.Raigad. The other defendants has also threatened the plaintiff that they will also start the construction over the suit property. If the defendant no.7 gets successful in completing the construction he will suffer irreparable loss. Hence, he prayed to allow the application.
4. The plaintiff has filed 7/12 extract of the suit property dated 11/09/2017, copy of statement of defendant no.7 dated 08/02/2017 given to Khalapur police station, copy of letter dated 20/08/2018 written by plaintiff to Police Inspector, Khalapur police station, copy of partition deed dated 09/08/2011.
5. Perused the 7/12 extract of the suit property. It shows the possession of the plaintiff on the suit property. Copy of statement of defendant no.7 dated 08/02/2017 shows that he had intention of construction over the suit property. Copy of letter dated 20/08/2018

shows that defendant no.7 is in process of construction. The Ld. Advocate for the plaintiff submitted that defendant no.7 has constructed wall in the suit property. Under such circumstances, it is necessary to protect the possession of the plaintiff till the defendants appears and file say. If any delay occurred in granting ad-interim injunction such delay shall defeat the purpose of injunction.

6. Considering all aspect, there is exceptional and compelling case justifying the order of ad-interim injunction. Hence, I pass following order.

ORDER

1. Issue ad-interim injunction restraining the defendants from causing obstruction to the possession of the plaintiff over the suit property till further orders.
2. Issue show-cause notice to the defendants as to why ad-interim injunction should not be continued till further order R/o 26/09/2018.
3. Special Bailiff and E.P. allowed.
4. The plaintiff shall comply to the provision of Order 39 Rule 3(a) of C.P.C.

Date : 27.08.2018

Place: Khalapur

(S.M.Gade)

Civil Judge Junior Division, Khalapur