

:: ORDER BELOW EXH.05 IN SPECIAL CIVIL SUIT NO.31/2025 ::

Through this application the plaintiff is seeking ad-interim injunction restraining the defendant Nos.1 and 2, their heirs as well as the concerned officers and any of their associates from making any interference in LAR No.1008/2006 proceeding or in the related record or documents. Further the defendant No.6, the Land Acquisition Officer, be directed not to take any action regarding payment of compensation for the acquired land bearing Gat No.78 (A & B-Devasthan) unless and until a decision is rendered by this Court.

02. Perused the case file. Heard learned advocate for the plaintiff at length.

03. It is the contention of the plaintiff that, the suit property is his joint family property. The name of the plaintiff was not appearing on 7 x 12 extract of the acquired property therefore, notice of acquisition of the said land in block No.178A and 178B of village Karanjadi, Tal-Mahad, Dist-Raigad was not issued to him. No compensation amount has been paid to him though he is entitled for the same and the Land Acquisition Officer has passed an award however, as no notice has been served to him, he could not appeared before the Land Acquisition Officer. The defendants in the present case have raised the reference under section 18 of the Land Acquisition Act for enhancement of compensation amount wherein the plaintiff was not made party and therefore, he had no knowledge of the proceedings and the award in reference has been passed behind his back. The defendant No.1 Dagdu Mirgal has died prior to filing of the execution petition No.60/2019 i.e. prior to 12.02.2019 and therefore the said execution petition was filed on his behalf by

making his false thumb impression and fraud on the court. The present suit is filed for re-determination of the suit and for declaration. The plaintiff has filed relevant documents about his entitlement.

04. It is his further contention that, the defendant by misleading the concerned court will take illegal orders. The proposed acts of the defendants are in violation of the plaintiff's fundamental rights, and if not immediately restrained, the plaintiff will suffer irreparable loss and injury that cannot be compensated in monetary terms. The balance of convenience lies entirely in favour of the plaintiff. Unless an ad-interim injunction is granted it will result in permanent hardship to the plaintiff and render the pending proceedings in-fructuous. The matter is utmost urgent. Therefore, it is necessary to give ad-interim injunction as prayed by him. Therefore he has prayed for allowing the application.

05. I have perused the case file and documents on record. Considering the nature of the suit, it is necessary to call say of the defendants by issuing notices to them. Hence issue notice to the defendants returnable on **29.01.2026**

Place: Mahad
Date : 15.01.2026

(Smt. H. R. Jadhav)
Civil Judge, Senior Division
Mahad.