

ORDER BELOW EXH. 5

1. Perused record. Heard learned advocate Sou. Harmalkar for the plaintiff.
2. As per plaintiff, the suit property bearing Survey No. 73/15, total area 0.26.0 H.R., assessed at Rs.0.06 Ps., situated at Mouza Kudal, Kavilkate, Tal. Kudal, Dist. Sindhudurg, is owned and possessed by himself and other co-owners. Adjoining to it there is another property bearing Survey No. 73/16, owned by defendant. Now, defendant started construction and while doing so he is encroaching into the property owned by plaintiff. Despite requests he is not ready to pay any heed, hence he filed suit for perpetual injunction and prayed for interim relief.
3. The plaintiff filed on record the certified copies of 7/12 extracts showing that, plaintiff is in possession of suit property. Defendant not in anyway concerned with it. The land is shown to be owned by so many persons and its area is also not quite large. In such a situation if defendant made encroachment, plaintiff and other co-owners will suffer irreparable loss. On the contrary, if defendant is restrained from carrying on alleged activities, he will not suffer any loss, hence order -

ORDER

1. The defendant or anybody on his behalf is herewith restrained from causing obstruction in anyway to the possession of plaintiff over the suit property bearing Survey No. 73/15, total area 0.26.0 H.R., assessed at Rs.0.06 Ps., situated at Mouza Kudal, Kavilkate, Tal. Kudal, Dist. Sindhudurg, till the filing of say by the defendant.
2. Issue show cause notice to the defendant returnable on 29/04/2016, as to why the above interim injunction shall not be confirmed till the disposal of present suit.

3. Defendant is at liberty to approach this Court and apply for variation or cancellation of this order, before the fixed date with prior intimation to the plaintiff to that effect.

4. Plaintiff to comply O.39, R.3 of the Code of Civil Procedure.

5. Plaintiff is herewith directed to also get served the suit summons on defendant through special bailiff and deposit the necessary Bhatta within three days from today. If he failed to do so the above order stands vacated automatically.

Sd/-

KUDAL

(KOMALSING RAJPUT)

DATE – 06 /04 /2016

C.J.J.D., KUDAL, DIST. SINDHUDURG