

Order below Exh.5 in Regular Civil Suit No.28/2014
(Passed on 24th June, 2014)

1. Perused the application, affidavit filed in support thereof and the documents filed on record. Heard learned advocate shri. Marathe for plaintiff for sufficient length and time.

2. The learned advocate for plaintiff prayed for exparte ad-interim injunction by submitting that the defendants are trying to demolish the construction of latrine for which they also seek police protection from police, but which is illegal. Because, the notices issued by the defendants itself are not in accordance with law and so if, exparte ad- interim injunction is not granted, the very purpose of filing this suit is frustrated. He also submit that as the act of defendants is “purporting to be done” the requisite notice under section 180 of the Bombay Village Panchayat Act, 1958 is not necessary. On his submission, he has placed his reliance on the authority of Hon'ble Bombay High in the case of **Grampanchayat, Kuhi and another Vs. Vijaykumar Radheshyam Bhalotiya, (1986 Law Suit (Bom) 420)**. I have gone through the citation filed by plaintiff. I again gone through the documents filed on record. Considering all these aspects and the peculiar facts and circumstances of the case, I am of the bonafide view that, before issuing ad-interim injunction as prayed, it is necessary that defendants would have to be heard. But, considering the urgency in the matter, the order of maintaining status-quo will meet the ends of justice. Hence the order.

ORDER

1. Parties are directed to maintain status-quo in respect of suit property, till filing of written statement and say by defendants.
2. Issue show cause notice to defendants as to why injunction as prayed should not be granted against them, till final disposal of the suit.
3. E.P., and S.B., is allowed. Returnable on 30 /06/2014.

Vengurla.
Date:- 24/06/2014

(D.S. Zanvar)
Civil Judge (J.D.), Vengurla.