



ORDER BELOW I.A.NO. 1/2022 (EXHIBIT 05) IN
R.C.S. NO. 52/2022

Heard the learned advocate for the plaintiff. Perused the
plaint and the documents filed alongwith the suit.

02. It is contended by the plaintiff that he is the owner of the
suit properties and he has obtained them under the provisions of
Tenancy Act. He has permitted the defendants to stay in the house
constructed in suit property No.2 by him. However, now the
defendants have started construction of a well in suit property No.2.
They have also threatened the plaintiff about construction of a new
house in suit property No.1. They have no right, title or interest in
the suit properties. For the purpose of construction of well, they are
removing the earth and putting it on the fertile land in the suit
properties. If that happens, the fertile land will become infertile and
cause irreparable loss to the plaintiff. Hence, it is prayed that the
defendants be restrained by an order of exparte injunction.

03. Upon perusal of the documents at Exhibit 6 to 9 it clearly
appears that the plaintiff is the owner of the suit properties. The
defendants appear to have no concern with the suit properties.
Further, the plaintiff has produced photographs at Exhibit 4/5 and
4/6 alleged to be of the construction of well in the suit property. He
has filed affidavit at Exhibit 11/1 and 11/2 stating that the
photographs are of the suit properties and are taken on 28/04/2022.
On the basis of the documents on record there appears prima facie
substance in the allegations of the plaintiff. If the defendants succeed
and are not restrained by an exparte injunction the purpose of

granting injunction will be frustrated. This will cause irreparable loss to the rights of the plaintiff. In my view there are ample grounds to believe that the purpose of granting injunction will be defeated by delay. Hence, I proceed to pass the following order

ORDER

The defendants or anyone on their behalf are hereby restrained by an order of an ex parte ad-interim injunction from carrying out digging of land for construction of well in the suit properties till filing of their say to the present application.

If the say is filed by taking the matter on board in the meantime, the ad-interim injunction shall continue till next date of hearing.

The plaintiff shall comply with the provisions of Order 39 Rule 3 and file an affidavit of compliance.

Issue notice to the defendants to show cause as to why ex parte ad-interim injunction as granted against them shall not be confirmed.

The matter be posted on

Date : 29/04/2022
Place : Malvan.

Bhanupratap Chouhan
Civil Judge Junior Division

R.C.S. No. 52/2022
CNR No.MHSI-07-0002312022

Exhibit 05

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED ORDER/JUDGMENT."

Chandrakala Vasant Chavan
NAME OF STENOGRAPHER