



CNR No. MHSI070001932026
Order passed below Exh. No. 5
in R.C.S.No. 53/2026

Heard Shri.S.S.Gavankar, learned Advocate for the plaintiff.

2. Read the plaint, application for temporary injunction and affidavits filed in support of the application for temporary injunction.

3. Perused the documents.

4. The Plaintiff claims to be the co-owner of the suit property. It is contended that the Defendants are owners of the adjacent land. The Plaintiff states that the adjacent land was originally owned by his family and was later sold to the Defendants by a registered sale deed. The Plaintiff alleges that the Defendants are now trying to encroach upon the suit property and have started construction.

5. It is further alleged that the Defendants have demolished the boundary wall and encroached upon the suit property. Upon perusal of the documents on record, it appears that the Plaintiff's family are the owners of the suit property. The adjacent property was sold to the Defendants

by a registered sale deed. Therefore, prima facie, the Plaintiff appears to be the owner of the suit property.

6. Upon perusal of the photographs on record, it appears that the construction is at a very initial stage. The Plaintiff has raised objections at the earliest point of time. Therefore, it would be just and proper to restrain the Defendants from carrying out further construction till the next date.

7. If there is delay in granting an ex parte ad-interim injunction, the very purpose of the application will be defeated as the Defendants claim that substantial construction has been raised. Hence, the following order is passed. Therefore, it is just and proper to restrain the Defendants from carrying out further construction over the suit property till next date. Hence the following order,

	<u>ORDER</u>
1.	Issue Ex-parte temporary injunction restraining the defendants from doing any further construction over the suit property till 07.05.2026.
2.	Issue show cause notice to the defendants as to why ex-parte injunction should not be continued till further order or specified time, returnable on 07.05.2025.

3.	Special bailiff and Emergent process is allowed, if required.
4.	The plaintiff shall comply with the provisions of Order 39 Rule 3(a) of C.P. Code.
	(Pronounced and dictated in open Court.)

Place : Malvan
Date : 02/05/2026

Sd/-
M.K.Fakih
Civil Judge J.D. Malvan.