



CNR No. MHSI070002882026
Order passed below Exh. No. 05
in R.C.S.No. 62/2026

Heard Shri.U.B.Kulkarni. 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 contented that he is the owner of suit property nos. 1, 2 and 4. The defendant is the owner of suit property no. 3. As there was no access to the suit properties earlier, a common access way/path of 6 foot in width made for the access of the plaintiff and the defendant to their respective properties. The consent letter to that effect is placed on record at Exh. 4/7 to 4/9.

5. The plaintiff asserts that the defendant has encroached upon the common way/path to the extent of 2 foot and have raised construction thereon. The photographs placed on record prima facie depicts that construction is being raised on the common way/path. Therefore, it would be just and proper to restrain the defendant for carrying further construction, as it is at initial stage. The record also show that the plaintiff had made complaint to the local

authority about the illegal construction being carried out but he has not got any positive support therefrom. Therefore, it would be just and propert to restrain the defendant from doing further construction over the common way/path till next date.

6. No prejudice would be caused to the defendant if he is restrined from doing further construtrion. On the contrary if the defendant is not restrained and the construction is completed the very purpose of the application at Exh.5 would become infructuous. Hence, the following order.

	<u>ORDER</u>
1.	Issue Ex-parte temporary injunction restraining the defendant from doing any futher construction over the suit property till 01.06.2026.
2.	Issue show cause notice to the defendant as to why ex-parte injunction should not be continued till further order or specified time, returnable on 01.06.2026.
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.)

Sd/-

Place : Malvan
Date : 21/05/2026

M.K.Fakih
Civil Judge J.D. Malvan.