

ORDER BELOW EXH.5

Advocate Shri P.J.Raorane, representing plaintiffs, has pressed for an *ad-interim* temporary injunction against defendants. The relief sought is in the form of mandatory injunction of removal of the pump from the Well of plaintiffs.

2. Upon a careful consideration of the submissions advanced by the learned counsel for the plaintiff and a meticulous perusal of the application (Exhibit 5) along with the supporting documentary evidence (Exhibit 4), it transpires that the present suit is instituted for declaration and injunction. The plaintiff asserts that there is common Well in the suit property belonging to plaintiffs, and defendants with intention to harm plaintiffs have installed a water pump and are using the water of Well and hence, the plaintiff has sought an *ad-interim* relief for direction of removal of the motor pump.

3. After a thorough examination of the factual matrix and the material placed on record, it is deemed appropriate to afford defendants an opportunity to present their case. The issuance of notice to defendants at this stage will not frustrate the object of the application, as the urgency to grant *ad-interim* relief in favour of plaintiffs do not appear to be compelling. Hence, the following order is passed.

ORDER

1. Issue notice to defendants, calling upon them to show cause as to why temporary injunction should not be granted against them.
2. E.P. and S.B. are allowed, if prayed.

Kankavli
Date: 20/06/2025

(Shubham G. Laturiya)
Civil Judge J.D., Kankavali
JO Code: - MH03297