

**Order below Exh. 05**

The present application is filed by plaintiff under section 39 Rule 1 and 2 of Civil Code Procedure.

2. Read the application. Heard Ld. counsel Shri. D.R.Gore for plaintiff. Perused documents produced on record alongwith photographs. In the present matter defendant no. 1 has already filed caveat against plaintiff and other persons on 17/12/2013. The plaintiff has sought ad-interim ex-parte injunction against defendants no. 1 to 9 for not making construction by them and not to just him from the house property G.P No. 485. The Ld. counsel of plaintiff to submit that, the ration card of plaintiff's shows that, plaintiff resides in the house property G. P. No. 485.

3. The plaintiff filed present suit for partition and perpetual injunction. On perusal of 7/12 extract, it reveals that, those are in the name of defendants. However, extract of the house property shows the name of defendant no. 1. The defendants have apprehension of suit and they approach to the Court by filing caveat. The document on record shows that, suit properties are in the name of defendants. Photographs shows that, there is demolition of house property. The plaintiff on oath submitted that, he resides in the house property. The documents does not support the plaintiff's contention. If the ad-interim ex-parte injunction grant in favour of plaintiff it will cause harm to the defendants. Plaintiff has failed to made out strong prima-faice case. In the present matter , it is necessary to heard the defendants. For these reasons following order is passed.

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- **ORDER** -

Issue emergent show cause notice against the defendant no.1 to 9 on special process and special Bhatta r/w. on 10/01/2014.

Date- 08/01/2014

Civil Judge (J.D.)  
Deogad.