

Order below exh no.5

The plaintiff has instituted the present suit for a permanent injunction. The plaintiff vide exh no.5 has prayed for an ex-parte ad interim temporary injunction to restrain the defendant from dispossessing him from the suit property.

2) It is a case of the plaintiff that in defendant is the owner of the suit property and the plaintiff was permitted to use and occupy the suit premises on leave and license agreement. Accordingly, on 16.06.2016 leave and license agreement was executed for five years commencing on 16.07.2016. Further, said agreement contains a clause that the licensee may extend or renew the agreement for a further period of four years after the completion of the license period. Accordingly, the said extended period of the lease agreement has been extended by the defendant orally and through his conduct. However, on 11.01.2024, the defendant moved an application to MSEB for temporary discontinuation of the power supply in the suit property. On the application of the plaintiff, the power supply of the suit property has been restored. Further, after meeting with the defendant, the plaintiff came to know that on grounds of religion, a defendant has been pressurizing him to vacate the suit premises. Further on notice of the defendant, he had paid the remaining rent amount of Rs. 90,267 to him. Even, the defendant threatened him to dispossess from the suit premises. Thus, he has been constrained to file suit. Hence, the plaintiff prayed for the ex parte temporary injunction.

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3) Heard the advocate of the plaintiff. Perused plaint, exh no.5, and affidavit filed in support of it.

4) I have gone through the documents and pleading on record. In support of the contention, the plaintiff has filed on record, an original copy of leave and license, service agreement, and property card of the suit premises, online rent payment receipts, vide exh no.3/4 to 3/11, a notice of defendant, online payment receipt dated 18.01.2024, copy of application given by defendant for discontinuation of power supply in suit premises, application of plaintiff for restoration of power supply and letters of MSEB. On the perusal of documents, it prima facie appears that the plaintiff has been in occupancy of the suit premises, and on the notice of the defendant, he had paid an outstanding rental amount of Rs. 90,267 on 18.01.2024. Further, he has a prima facie case to consider his prayer of ex- parte ad interim injunction. If the prayer of the plaintiff is not considered at this stage, it would cause an irreparable loss to the plaintiff which could not be compensated in terms of money. Moreover, if a delay occurs in a grant of injunction, such delay shall defeat the purpose of an injunction. Thus, considering the nature of the suit and relief claimed by the plaintiff, and to avoid the further complication of multiplicity of proceedings, it is a fit case to grant the relief of ex-parte ad-interim injunction against the defendant. Hence, I pass the following order:

ORDER

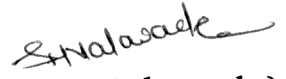
- 1) Issue ex-parte ad interim temporary injunction restraining the defendant from dispossessing the plaintiff from suit premises till his appearance.

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- 2) Issue show cause notice to defendant as to why ex-parte ad interim temporary injunction should not be confirmed till the decision of suit as prayed returnable on 05.03.2024.
- 3) Special bailiff and Emergent process is allowed.
- 4) It is directed to the plaintiff to file the compliance report under 39 Rule 3 of Civil Procedure Code.

Date:14.02.2024

Sangli


(Smt. S.H.Nalawade)

8th Jt.C.J.J.D,Sangli