

ORDER BELOW EXH. 26 IN R.C.S.NO. 351/2020

**Mubarak Shahababa Fakir
Vs
Mahesh Dattatray Salunkhe**

Read the plaint, application under Order 39 Rule 1 and 2 and section 151 of C.P.C. and affidavit filed in support of the application.

02. Heard learned advocate for the plaintiff. The plaintiff prayed that ex-parte ad-interim injunction be granted against the defendant for not to make construction or changes in the suit property.

03. It is the contention of the plaintiff that, the present suit is filed for pre-emption. The predecessor in title to the suit property agreed that he will sold the suit property to the plaintiff. However, he didn't honor his words and sold it to the present defendant on 12.03.2018 and the plaintiffs started demolition of the suit property since 22.11.2019, for his construction. The plaintiff has therefore filed Civil Suit before Civil Judge, Jr. Dn., bearing no. RCS 15/2020 for injunction. Since then the plaintiff met the defendant number of time and showed his willingness to purchase the said property. However, the defendant flatly refused. Now the defendant since 20.10.2026 started to visit the suit property for the purpose of construction thereon with the help of labours. The plaintiff contended that, he has high chances that he will succeed in this suit, till then in order to preserve the nature of suit property and to avoid the multiplicity of proceedings, he is constrained to file this application and prayed that exparte ad-interim injunction be granted in his favour.

04. Upon the perusal of contentions and the documents on record it appears that, this suit and an application of similar nature is pending in this suit since long. Even the written statement of the defendant is also on record. Apart from words there is nothing on record to show that the apprehension of the plaintiff is real. Therefore, I am of the opinion that, it will be proper to give other side an opportunity of hearing on this application before passing any order. Accordingly, I pass following order,

ORDER

- I) The exparte ad-interim injunction is rejected.
- II) Issue show cause notice to the defendant as to why exparte ad-interim injunction should not be granted.
- III) E.P. and S.B. if any is allowed.

Place : Sangli.
Date : 23.06.2026.

(Rohini S. Patil)
3rd Jt. Civil Judge Jr. Dn., Sangli.