

ORDER BELOW EXH. 6 IN R.C.S.NO. 299/2022

(Balasaheb Madhale Vs. Vishal Madhale and others)

CNR No.MHSN05-001882-2022

Heard Ld. Counsel for the plaintiff. Perused the interim application and documents filed alongwith it. Present suit is filed by plaintiff for Specific Performance of Contract, injunction and declaration against defendants. Plaintiff filed on record various documents alongwith list at Exh. 4. Ld. Counsel for plaintiff submitted that, suit property has been in the possession of plaintiff on the basis of agreement to sale dated 05.04.2021. Ld. Counsel further submitted that, on the basis of possession, plaintiff has made construction over the suit property and further construction is going on. However, defendants are making obstruction over the peaceful possession of the suit property and trying to obstruct the construction work. On perusal of agreement to sale at Exh. 4/1 it reveals that, notarized agreement to sale was executed between plaintiff and defendants on 05.04.2021. Recital of the agreement to sale shows that, suit property was given in the possession of plaintiff. On perusal of photographs of suit proper which are filed on record at Exh. 4/5, it prima-facie shows that, substantial construction was completed and remaining construction is in progress. On perusal of office copy of complaint dated 26.05.2022 lodged by plaintiff at police station which is filed on record at Exh. 4/6, it prima-facie shows that, plaintiff has narrated the alleged act of defendants in relation to construction and obstruction to the possession of the plaintiff. Plaintiff has also filed on record, invoice of goods purchased for construction work and receipts in relation to incidental payment made therefor which are filed on record at Exh. 4/7 to 4/33. Considering all documents on record and after considering the apprehension sought by the plaintiffs, I am of the considered view that, this is fit case to exercise discretion by granting ad-interim injunction against defendants and if ad-interim injunction is not

granted then there is possibility that such delay shall defeat the purpose of granting injunction which results in huge monetary loss to the plaintiff. In result, I pass the following order :-

ORDER

- 1) Issue ad-interim temporary injunction restraining defendants from causing any obstruction to the plaintiff's possession over suit property till next date.
- 2) Issue show-cause notice to defendants as to why ad-interim injunction should not be continued till further order. Returnable on 06.06.2022.
- 3) Special bailiff and emergent process if required are allowed.
- 4) The plaintiff shall comply the provisions of Order 39 Rule 3 (a) of CPC.

Islampur.
Date : 01.06.2022

Sd/xxx
I/c 4th Jt.C. J. J. D, Islampur.

CERTIFICATE

I affirm that the contents of this Pdf file order is same word as per original order.

Name of Stenographer :- Shri. M. S. Gondkar
Court Name :- I/c 4th Jt. Civil Judge (J.D) and
J.M.F.C., Islampur.
Date of decision :- 01.06.2022
Order signed by PO on :- 01.06.2022
Order uploaded on :- 01.06.2022