

ORDER BELOW EXH. 05 IN RCS NO. 161/2024

Today the plaintiffs and their Ld. Advocate are present. The Ld. Advocate for plaintiffs praying for the *ex-parte ad-interim* injunction against the defendant. It is the contention of the plaintiff that they are the owners and the occupiers of suit properties by virtue of registered sale deed bearing its no. 880/2016 dated 17/05/2016. Suit property is consisting of 0.7 R and 0.2 R area in Gat No. 1523/A situated at Kavathe Mahankal They are having their house properties situated therein. They are living at such properties along with their families. The Ld. Advocate for plaintiffs has submitted that the present plaintiffs are the beneficiaries under the Pradhan Mantri Nivas Yojana. The building permission is also sanctioned in favour of plaintiffs by virtue of the above yojana with respect to suit properties. However, the defendant is causing obstruction to the possession of the plaintiffs over suit properties on the basis of the sale deed dated 23/09/2024. In fact, the defendant has no concern with the suit properties. The area and description of property in sale deed dated 17/05/2016 and 23/09/2024 is altogether different. In spite of this fact, the defendant is causing obstruction to the possession of the plaintiffs over suit property with the assistance of man power and by using force therein.

02. The Ld. Advocate for plaintiffs has further submitted that the plaintiffs have filed the present suit for perpetual injunction. An application for seeking the relief of temporary injunction is also filed. However, sufficient time will require for issuing notice to the defendant, for his appearance and after filing his say for deciding the application. Meanwhile, the defendant is likely to dispossess the plaintiffs from their respective area in the suit properties. Therefore, *ex-parte ad-interim* injunction may be granted.

03. Heard the Ld. Advocate for plaintiffs for considerable time. Perused

the record. It appears that the plaintiffs have filed the present suit for perpetual injunction. An application for relief of temporary injunction is also appears to be filed. It also *prima facie* appears that the sale deed dated 17/05/2016 and 23/09/2024 are with respect to different areas in Gat No. 1523/A. The description of properties of above area *prima facie* appears to be different. It further *prima facie* appears that the plaintiffs are enjoying the suit properties with their respective area therein. Sufficient time will require for deciding the application for temporary injunction. Both the above sale deeds appears to be with respect to same Gat number i.e. 1523/A. Meanwhile, the present position of the suit properties and the rights and interest of the parties involved therein, if any, needs to be protected and in tact. Otherwise, it may lead to multiplicity of proceedings and complications therein.

04. Considering the nature of the application, the submissions made by the Ld. Advocate for plaintiffs and documents produced on record, it *prima facie* appears that the object of granting the injunction would be defeated by delay. Hence, in view of above facts, I pass the following order.

ORDER

1. Ex-parte ad-interim temporary injunction is granted against the defendant. The defendant is temporarily restrained from causing obstruction to the possession of the plaintiffs over suit property and also from taking forcible possession therein till next date.
2. Plaintiffs are directed to comply as per provision under Rule 3 of Order XXXIX of Code of Civil Procedure, 1908 and file an affidavit accordingly.
3. Issue show cause notice to the defendant as to why ex-

parte ad-interim temporary injunction should not be confirmed against him returnable on 16/12/2024.

4. E.P and S.B. is allowed if prayed.

Date : 11/12/2024

(P. J. Ligade)
Jt. Civil Judge Junior Division,
Kavathe- Mahankal