

ORDER BELOW EXH- 5

1. Heard learned advocate Shri S.B. Pingale. Plaintiff No 1 is present and ask time for filling say. Exparty order has been passed aganst defendant No. 2 to 19.

2. Read the plaint, application for temporary injunction and affidivit filed in support of application. Perused the documents.

3. Plaintiffs claim to be in possession of the suit property. They submitted that, there was no road in existance as granted by Tahasildar. Larned advocate for the plaintiff argued that Tahasildar Atpadi granted the application exparty by keeping the short dates. Inspite of filling transfer application, the Tahasildar passed order to favour the defendants under the political pressure. There is possibility of construction of the road by the defendants. Inspit of serive of summons defendants No. 2 to 19 have not appear before this court. Defendant no. 1 appeared in person and prayed for time for filling say.

4. Suit property is in danger. The defendants can consturct at any time the road as granted by Tahasildar and prayed to grant ad-interim injunction against the defendants till filling of say of defendant No. 1.

5. On perusal of the 7/12 extract of land gat no 871, the plaintiffs are in possession of the suit property. On perusal of the proceeding it appears that the order passed in spite of transfer application.

6. Thus prima facie the plaintiffs are seen in possession of the suit property and according to the plaintiffs the defendants can construct the road as granted by Tahasildar. Defendant no. 1 prayed for time. Till filling of say the interest of plaintiffs required to be protected. If delay occurs, such delay shall defeat the purpose of the application. Hence, I pass the following order.

ORDER

Issue ad-interim temporary injunction restraining the defendants, their agents, servants from causing obstruction to the plaintiffs possession over the suit property and not to construct any road through suit property till filling of their say to application for temporary injunction.

Atapdi.
Date:-16/02/2023.

(Anant. R.Tengse)
Jt.Civil Judge Jr.Dn. Atapadi.