

 MHSN130004492024	<u>ORDER BELOW APPLICATION EXH. 5 & 34</u> <u>IN R.C.S. 94/2024</u> (Prashant Dhondiram Yevale/Jagtap Vs. Dhondiram Yevale)
---	--

Perused the application below Exh.5. It is supported by the affidavit of the plaintiff. Also gone through the documents filed on record along with list Exh.3 at Sr. Nos.1 to 12. Also gone through the documents filed by defendant No.5 along with list at Exh.39 at Sr. No.1 to 14.

2. Heard learned advocate for plaintiffs and defendant No.5.

3. It is the apprehension of the plaintiffs that, the Circle officer issued notice to defendant No.1 containing that, on 05.08.2024 they take possession of the suit property. The plaintiffs have an undivided share in the suit properties. If possession is taken the whole purpose of the suit might be frustrated. Hence prayed for injunction or status quo against the defendant No.4 and

4. The learned advocate for defendant No.5 argued that, they initiated recovery proceeding against the defendant No.1. Hence, the application is not tenable.

5. On perusal of the record, it appears that, the injunction is prayed against the defendant No. 4 and 5. Defendant no. 4 is The Mansing Co. Op. Bank Ltd. Dudhondi Branch Vita and defendant no. 5 Special Recovery Officer of The Mansing Co. Op. Bank Ltd.

Dudhondi Branch Vita. The notice and summons were issued to defendant No.4, however, no report was filed on record. Therefore, it would not be proper to pass any final order of temporary injunction at Exh.5 without giving an opportunity of being heard as per the principles of natural justice.

6. As such, considering the facts and situation on record, instead of deciding Exh.5 and status quo application, it is necessary to pass an *ex-parte* ad-interim injunction against defendant No.4 and ad-interim injunction against defendant No.5. As such, following order is passed.

<u>ORDER</u>	
1.	The <i>ex-parte ad-interim</i> injunction is granted against defendant No. 4 and ad-interim injunction is granted against defendant No.5 in respect of the suit properties till next date i.e. 14/08/2024.
2.	Issue show cause notices to defendant No.4 as to why, injunction as prayed for shall not be granted against them. Notice returnable on 14/08/2024.
3.	The plaintiffs to comply as per provisions of Order 39 Rule 3 of the Code of Civil Procedure.
4.	E.P. is allowed.

Kadegaon
Date:02/08/2024

(Chandrakant R. Patil)
II Jt. Civil Judge Jr. Dn., Kadegaon