

ORDER BELOW EXH.NO.5 IN RCS NO.215/2025.

1. In Present application Plaintiff is seeking Ex party Ad-interim injunction. Heard the Ld. Adv. For plaintiff at length. He submitted that the suit is filed for injunction. Notice to defendant are not yet issued. The defendant with the help of JCB is trying to demolish the common road available to plaintiff and other persons. The road is sanctioned road on map. During measurement of suit property the said road is shown on map. However the defendant without giving notice to plaintiff carried out measurement of his property and alleged that the sanctioned road is coming in his property. Thus on basis of the false measurement map, the defendant is trying to construct the permanent Structure on Suit property. Hence plaintiff prayed for ex-party ad- interim injunction.

2. Perusal of the record reveals that summons are not issued upon the defendants.

3. Perusal of the documents filed on record by the plaintiff it reveals that defendant property that is survey No. 381/4 is adjacent property towards southern side of plaintiffs property that is survey no. 336/3/1. However without considering the defence of defendant, it is difficult to determine whether the disputed road comes within the jurisdiction of defendant property or not. However yet notice of this suit are not served upon the defendants. Hence defense of defendant is not on record. Defendants are residents within Jurisdiction of this court. Plaintiff has not bring on record any such emergency situation on record, in which exparty ad interim injunction is justifiable to be granted. Thus the Plaintiff is at liberty to make the urgent issuance of suit summons and notices upon the defendants.

4. Though time may require to decide the suit on merit But plaintiff has an opportunity to put his clear case before the court while discussing the Exh. 5. Therefore, it will not proper to grant Exparty ad-interim injunction at this juncture. Hence, the following order;

Order

1. The application seeking Exparty ad-interim injunction is hereby rejected.
2. Issue show cause notice against the defendant as to why injunction should not be granted in favour of the Plaintiffs returnable on 30/09/2025
3. Emergency process and special bailiff is allowed on payment of necessary fees by plaintiff.
4. Plaintiff is at liberty to issue show cause notices by speed Post, Emails or any other mode recognised by law.

Date:- 20/09/2025

**(Smt.P. M. Suryawanshi)
2nd Jt. CJJD, Vita.**