

MHSN150010222024



(Pandurang Baburao Vhanmane-3
V/s.
The State of Maharashtra-3)

ORDER BELOW EXHIBIT 28 IN
REGULAR CIVIL SUIT No.203/2024

1. This is an application filed by the plaintiffs for grant of interim injunction or status-quo in respect of the suit property against defendants till the decision on the application Exhibit 5.
2. Perused the application supported with affidavit and documents on record. Heard learned counsel for the plaintiffs.
3. Learned counsel for the plaintiffs submitted that, the plaintiffs have filed the present suit for permanent injunction against the defendants for restraining them from carrying illegal construction of 24 feet wide road in the suit property. According to plaintiffs, they have voluntarily given eastern side 12 feet wide land in the suit property for the said road and in spite of same, the defendants are threatening to build the illegal construction of 24 feet wide road from the suit property. So, the plaintiffs had filed the interim injunction application Exhibit 5 against the defendants and after argument, the said application is pending for order.

However, suddenly on 11/03/2025 the defendant No.3 in collusion with some co-villagers and some political persons, came towards the plaintiffs and threatened that, they will complete the illegal construction of 24 feet wide road from the suit property. The learned counsel for plaintiffs submitted that, the defendants were came with J.C.B. machine at the suit property for carrying illegal construction of 24 feet wide road from the suit property without the acquisition of any land from the plaintiffs. If, the defendants are succeeded in building or constructing the illegal 24 feet wide road in the suit property, then irreparable loss will be caused to the plaintiffs, as there is old houses of plaintiffs and therefore prayed for grant of ex-parte interim protection of injunction or the directions to maintain status-quo in respect of suit property against the defendants till the decision of the application Exhibit 5.

4. Considering the contention of the plaintiffs and on perusal of the record and the documents, as well as, photographs produced on the record, it appears that, the plaintiffs have specifically stated on affidavit that, on 11/03/2025 the defendant No.3 in collusion with some co-villagers and some political persons, came towards them and threatened that, they will complete the illegal construction of 24 feet wide road in the suit property. The plaintiffs have filed the photographs of J.C.B. machine came on the suit property in support of their contention and therefore, it is seen that, if the defendants are not restrained from constructing/building the said road from the suit property, then the purpose of filing this suit, as well as, the interim injunction application Exhibit

5 will be frustrated and the irreparable loss will be caused to plaintiffs. On the other hand, no prejudice would be caused to the defendants, if ex-parte protection is granted and the defendants as well as plaintiff are directed to maintain status-quo in respect of the suit property till the decision on the application Exhibit 5. Hence, I proceed to pass following order.

ORDER

1. The application (Exhibit 28) is allowed and both the parties are directed to maintain status-quo in respect of the suit property till the decision of application Exhibit 5.
2. Costs in cause.

Vita.

(Dnyaneshwar S. Patale)

Date: 12/03/2025

Jt. Civil Judge Senior Division, Vita.

I affirm that, the contents of this P.D.F file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer : S. P. Pethkar.

Court : Jt. Civil Judge Senior Division, Vita.

Judgment/Order signed by
the Presiding Officer on : 12/03/2025.

Judgment/Order uploaded on : 12/03/2025.