

Regular Civil Suit no. 526/2020
(Samir Jalaluddin Pirjade V/s. Tajuddin Jalaluddin Pirjade)

ORDER BELOW APPLICATION EXH-107

1. Today the suit is not on board. Considering the urgency shown in the application Exh.109 the suit is taken on today's board. Called Ld.Advocate for defendants. However he did not appear since the case is not on today's board.

2. Heard Ld.Advocate Shri.S.N.Jadhav for plaintiff. Perused the documents filed with list of documents Exh.110. Perused record. It is manifest from Form no.43 and photographs filed with list of documents Exh.110 that the work of digging pits for RCC construction has commenced on the suit property bearing property no.1276. This application Exh.107 is supported by affidavit Exh.108. The suit is kept for final arguments on 22.01.2024. It appears that the defendants nos. 1 and 5 are going to change nature of suit property by starting construction thereon. If the construction is not stopped more complications shall be created in the dispute. The nature of suit property shall be changed. Hence it is a fit case for grant of interim *ex-parte* injunction against the defendants nos. 1 and 5. Accordingly I pass the following order.

ORDER

A The defendant no.1 Tajuddin Jalaluddin Pirjade and defendant no.5 Rajiyabanu Iqbal Kazi are hereby temporarily restrained from carrying out any construction on the suit property no.1276 situated at Khanpur, Tal.Khanapur, Dist.Sangli till filing say to the application at Exh.107.

- B. The defendants nos. 1 and 5 are hereby ordered to maintain Status Quo as appearing in the photographs filed with list of document Exh.110 at the suit property no.1276 situated at Khanpur, Tal.Khanapur, Dist.Sangli till filing say to the application Exh.107.
- C. The plaintiff is hereby directed to comply the provision of Order 39 Rule 3 of the Code of Civil Procedure within three (3) days from today.
- D. Copy of this order be served upon defendants nos. 1 and 5.
- E. Issue notices to the defendants nos. 1 and 5 calling upon them to show cause as to why the temporary injunction as prayed should not be granted returnable on or before 22.01.2025.

Date: 17.01.2025

Place : Vita

(Rafeeqe A. Shaikh)

3rd Jt. Civil Judge Junior Division, Vita.
Tal.Khanapur, Dist.Sangli.