

Regular Civil Suit No. 1225/2022

Vasant Jadhav vs. Corporation etc.

ORDER BELOW EXH.5

I have heard learned advocate of plaintiffs. He submits that, plaintiffs are in possession over the suit property. But, the defendant No. 1 and 2 are making obstruction to the possession of plaintiffs. They are trying to remove crops of sugarcane. Therefore, injunction may be granted.

2. I have perused documents, more particularly 7/12 extract, which shows that plaintiffs are in possession over the suit property. Learned advocate of plaintiffs brought my attention towards photographs, which are submitted below list Exh.4 at Sr. No. 15 to 20. Photographs at Sr. No. 16 and 17 prima facie at this stage show that there is some interference in possession of plaintiffs. Defendant No. 1 is a Corporation and defendant No. 2 is an independent person. So, there is no bar under section 80 of C.P.C. to grant interim relief. Prima facie case is made out. Hence, in the result, I pass the following order :-

ORDER

1. Defendant No. 1 and 2 are, by way of ad-interim *exparte* temporary injunction, restrained till their appearance from making obstruction and interference in possession of plaintiffs over the suit property.

2. Plaintiffs shall comply the provisions of Order XXXIX, Rule 3 of Code of Civil Procedure, immediately.
3. Issue notice to defendant No. 1 and 2 as to why order should not be confirmed.

Place - Malshiras.
Date - 22/12/2022.

(**U. V. Joshi**)
Civil Judge Senior Division,
Malshiras.