

ORDER BELOW EXH. NO. 05

(Date 28/01/2026)

The plaintiff instituted this suit for encroachment and injunction along with this application under Order 39 Rule 1 and 2 of the Code of Civil Procedure for grant of temporary injunction against the defendant No. 1 & 2 not to alienate and to disturb peaceful possession of the plaintiff over the suit property.

Read application. Perused the record. Heard learned advocate Shri.B.R.Patil appearing for the plaintiff. Prima facie it appears that, the plaintiff is owner of Gut No. 160 and he is using road width 62 for his property. He is using the road for more than 60 years. Defendant No. 1 & 2 are trying to encroach the road and trying to build on the road. The plaintiff is sheep farmer and he is out of town for sheep farming. Defendant No. 1 & 2 have encroached from 5 years and now he is trying to build RCC infrastructure. Prima facie plaintiff and defendants are neighbors. As per submission of the plaintiff, the defendant No. 1 & 2 are trying to encroach on the road and obstruct the possession. The suit road needs to be preserved. If the defendant No. 1 & 2 are not prima facie restrained from obstructing peaceful possession, multiplicity of proceeding can be increased. Issue show cause notice to defendant No. 1 & 2 as to why temporary injunction should not be continued till final disposal of the suit. The defendant No. 1 & 2 are restrained from obstructing peaceful possession over the road and restrained from creating permanent infrastructure on the road by himself or by any other person till filing of say on this application.

Place : Malshiras.
Date : 28/01/2026.

(Aaditya A. Vyas)
I/c. 2nd Jt.Civil Judge, Jr. Div.
Malshiras.

CERTIFICATE

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

- (a) Name of the Stenographer : S.T.Korbu
- (b) Name of the Court : 2nd Jt. C.J.J.D & J.M.F.C Malshiras,
Dist - Solapur
- (c) Order signed by P.O. On : 28-01-2026
- (d) Order uploaded on : 28-01-2026