

Sou. Savita J. Lokhande, :
V/s.
Jayram A. Lokhande etc., :

02] However, claiming obstruction at the instance of the defendants and the acts of the defendants of taking away standing crops of *Jawar*, plaintiff filed application Exh.21 by taking matter on board dated 13/01/2016. On 13/01/2016, notices were issued to the defendants to *pre-pone* the date of the proceedings. Accordingly, matter was fixed on 20/01/2016. On 20/01/2016, the notices received unserved. Therefore, on the same date, advocate of the defendants was called at bar and requested to accept copies and to argue the matter filing say. Accordingly, advocate of defendant has accepted the copies and matter was adjourned up to 27/01/2016. On 27/01/2016, the advocate of defendants again filed application for adjournment. Same was allowed and accordingly fixed today for arguments.

03] However, today advocate of defendants filed application Exh. 26 for adjournment claiming that defendants are informed the date but they are not responding and are not ready to give information and thus, he is going to withdraw his *Vakalatnama* after informing the defendants. As defendants found to have notice of the proceedings through their advocate. Thus, the application for adjournment was rejected and accordingly plaintiff was heard to pass order on merit.

04] The plaintiff's suit is for specific performance of agreement of sell dated 10/07/2006. Though the agreement of sell does not disclose transfer of possession, defendants by their notice dated 19/6/2015, admitted possession of plaintiff and sought possession from plaintiff within 8 days thereof from the service of notice. As such, *prima-facie* it is found that the plaintiff is in possession of suit land as pleaded. Defendants have been directed to maintain *status-quo* and not to create any third party interest. However, now they have started obstructing possession and also taking away standing crops of *Jawar* cultivated by the plaintiff. Today the plaintiff has produced the photographs of the field showing standing crops of *Jawar*. The plaintiff has already filed affidavit stating that the defendants are residing nearby field and taking undue advantage of the absence of the plaintiff as plaintiff is teacher and residing outside village, the defendants would certainly take away crops and would dispossess plaintiff. In these circumstances, it is just and proper and necessary to pass ad-interim injunction order against defendants to protect the standing crops of the plaintiffs till further order to be passed below Exh.5 & 21. Hence, the following order.

ORDER

1. Issue *ex-parte ad-interim* injunction against defendant No.1 & 2 restraining them from disturbing possession of the plaintiff

and further restrain them from taking away any standing crops from the suit land till they further appears and files say below Exh.21.

2. Issue showcase notice to the defendants as to why *ex-parte* injunction should not be confirmed till decision of the suit returnable on 11/02/2016 E.P. and S.B. allowed.
3. The plaintiff to comply provision of Order 39 Rule 3(a) of the Code of Civil Procedure and report compliance.

Date: 29th January 2016.

(**Sudhir N. Shinde**)
Jt. Civil Judge, Junior Division,
Barshi.

CERTIFICATE

I affirm that the contents of the PDF filed order are same word to word, as per the original Order.

Name of Stenographer	: Bhaskar G.B.
Court	: Jt. Civil Judge J. D., Barshi
Order signed by P.O.on	: 29/01/2016.
Order uploaded on	: 01/02/2016.