

Order Below Exh. 5 in Spl.C.S. no. 12/2024

01. The plaintiff has filed this application for temporary injunction. The plaintiff has also prayed for exparte temporary injunction. He has pressed the application for exparte injunction.

02. The facts of the case can be stated as under :-

The plaintiff is one sugar factory and represented by one officer by name Ramesh Nalawade. The suit property involved in the dispute / litigation can be described as under -

1. One non agricultural land having survey no. 90 area 3 H. 68 R.
2. City survey no. 90/1 0 H. 60 R. total area is 4H. 28 R.

The said properties situated at Dhavarwadi, Tal. Karad, Dist. Satara. The said property is having sugar plant, plot, water tank, fly ash, project pipelines, chamber, trees etc. The said property is owned and possessed by plaintiff. The plaintiff purchased the said property from Dipak Dhagale i.e. defendant no.6 by way of registered sale deed. The rest of the suit property came to be purchased from Babar and Sapre. The plaintiff is having prima facie ownership and possession. The defendants are having no concern with the suit property. The defendants have instituted one suit in C.J.S.D. Court vide Spl.C.S. no. 11/2017 for declaration and temporary injunction. No injunction order is yet to be passed against the plaintiff. The defendants is aware that he would not get the success in the litigation. With intention to create obstruction the defendants are committing overt act. They are resorted to the overt acts i.e. felling the trees, destroying the pipelines, putting putrid substance in the water tank. They are making obstruction to the smooth functioning to the factory. They are trying to give threats to security guards. They are adopting such practices from last 5 to 7 months. The plaintiff has

given police report but strict action has not been taken. The defendants on 22.01.2024 tried to commit arson. They are also intimidating to commit suicide. The defendants are rowdy persons and they can commit any act for defaming the sugar factory. They are required to be restrained from obstructing the work therefore, the plaintiff filed this application for injunction.

3. Perused the application. Heard advocate Shri. Ghate for plaintiff. Perused the documents filed by the plaintiff. The perusal of the document shows that the plaintiff has filed this suit for injunction and praying for exparte injunction against the defendants. They have levelled the allegations that defendants are resorted to overt act. They are intimidating the security guards. They are committing arson and affray. They are intimidating to commit suicide also. They are also resorted to act of obstructing the utensils of the factory. The allegations put forth by the plaintiff are general in nature and generally present in the litigation filed for injunction. These allegations are concerned against the defendants and those allegations can be categorized as criminal acts if committed by the defendants. The plaintiff has filed the police report but police did not register the F.I.R. and on the contrary, they have given the N.C. report. The allegations against the defendants and facts of the case do not prove the case as rare case. Moreover, the sugar factory is potent entity and can secure its utensils by appointing the security guards. There is no supporting evidence effectively shows that the defendants committed the mischief in regard to utensils of the factory. This is not the case in which the exparte injunction order can be granted. Hence, I am of the view that before passing any order the defendants should be heard. So, I am inclined to pass following order.

ORDER

1. The prayer of exparte temporary injunction is hereby rejected.
2. The notice be issued to the defendants as to why the temporary injunction should not be granted against them.
3. E.P.& S.B. allowed if the plaintiff wants to avail it.

Date:-25.01.2023
Karad.

(V. S. Khot)
Civil Judge, Sr.Division, Karad.