



ORDER BELOW EXHIBIT 5
(Passed on this 17th day of September, 2025)

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1. Perused the plaint and application for temporary injunction.
 2. It is the case of the plaintiff that she is the owner and possessor of the suit property. However, the defendant has wrongfully issued her notice for removal of the suit property deeming it as encroached. Hence, the plaintiff has prayed for the relief in the nature of *exparte adinterim* injunction in her favour.
 3. At this juncture, it would be proper to rely on the guidelines given by the Hon'ble Apex Court in (**Morgan Stanley Mutual Fund Vs. Kartick Das, 1994 AIR SCW 2801**) while granting *exparte adinterim* injunction. The factors which should weigh with the Court in the grant of *exparte* injunction are:
 - (a) where irreparable or serious mischief will ensue to the plaintiff;
 - (b) whether the refusal of *exparte* injunction would involve greater injustice than the grant of it would involve;
 - (c) the court will also consider the time at which the plaintiff first had notice of the act complained so that the making of improper order against a party in his absence is prevented;
 - (d) the court will consider whether the plaintiff had acquiesced for some time and in such circumstances it will not grant *exparte* injunction;
 - (e) the court would expect a party applying for an *exparte* injunction to show utmost good faith in making the application;

(f) even if granted, the *exparte* injunction would be for a limited period of time;

(g) General principles like *prima facie* case, balance of convenience and irreparable loss would also be considered by the court.

4. After applying the above guidelines of the Hon'ble Supreme Court, the plaintiff has failed to bring forth any immediate particular instance or evidence for granting *ad-interim exparte* injunction.

5. At this juncture, it would also not be proper to grant *ad-interim exparte* injunction against the defendant based solely on the apprehension of the plaintiff. Moreover, the rejection of *ad-interim exparte* injunction will not ensue irreparable or serious mischief to the plaintiff. Hence, it would be necessary to hear the defendant before granting injunction against him.

6. Thus, at this point the plaintiff has not made out any grounds for granting *exparte ad-interim* temporary injunction in her favour. Hence, I do not find any extreme urgency to grant *exparte ad-interim* temporary injunction against the defendant. The plaintiff's prayer for injunction can be considered after the defendant is heard. Hence, the following order is passed :

ORDER

1. Issue show cause notice to the defendant as to why *exparte adinterm* injunction prayed by the plaintiff shall not be granted.

2. Emergent process and Special Bailiff, if required, be provided on request.

Date: 17-09-2025

(Uday S. Ivare)
Civil Judge, J.D.
Mahabaleshwar, Satara

R.C.S. No. 116/2025
Kalabai Madhukar Bhilare v.
Chief Officer, Nagar
Parishad
Panchgani

Certificate

The contents of the PDF file are same, word to word correct as per original orders.

Court Name	:	Shri. U. S. Ivare Civil Judge Junior Division, Mahabaleshwar.
Order date	:	17-09-2025.
Order signed date	:	17-09-2025.
Name of Stenograpuer	:	Shri. S. S. Kadam, Stenographer L.G. - 3
Order uploaded date	:	18-09-2025.