

MHST110005002024



Order Below Exh.5 in R.C.S. 106/2024

Vaibhav Rajiv More & Ors. Vs. Jyotiram Chandrakant Pawar & Ors.

The present suit filed by the plaintiffs against the defendants for seeking relief of injunction and declaration.

2. East west 10 ft. road out of Gat No.01 situated at mouje Pawarwadi, Tal. Jaoli, Dist. Satara are subject matter of the suit. (Hereinafter referred as to "*suit property*" for the sake of brevity.)

3. Heard the learned advocate for the plaintiffs. Suit property is joint family properties received in oral partition between legal heirs of Bandu Krushna More. Suit property is kept for road. Since long ago plaintiffs are using suit property as a road to their houses. Except the suit property there is no any road to the houses of the plaintiffs. Defendants is trying to construct the compound wall in the suit property. If defendants closed the road then there is no any access to the plaintiff's houses. Plaintiffs will suffer irreparable loss. Defendants trying to obstruct the plaintiffs easementary right. If defendants closed the road hardship will cause to the plaintiffs. Therefore, plaintiffs prayed for ex-parte interim injunction against defendants.

4. Perused the plaint and document along with suit. It appears that, there is road to the houses of plaintiffs from the house of defendants. If defendants closed the alleged suit property, then plaintiffs will cause hardship. Therefore, avoid the multiplicity of the

suit it is necessary to grant the ex-parte injunction till next date. If injunction is granted till next date defendants will not cause any irreparable loss. Hence, I pass following order.

ORDER

1. Issue ex-parte temporary injunction restraining the defendants not to construct compound wall in the suit property till next date.
2. Issue show cause notice to the defendants as to why ex-parte injunction should not be continued till further order, returnable on 20.12.2024.
3. Plaintiffs to comply the mandatory provision of Order 39 Rule 3 of the Code of Civil Procedure.
4. Special bailiff is allowed, if prayed.

Place :- Medha
Date :- 12.12.2024

(R. B. Khawale)
Civil Judge Junior Division, Medha