



Reg. Civil Suit No. 279/2024
Chandrakant Vs. Subhedar & ors.

Order Below Exh. 5

(Passed on 21st December, 2024)

This is an application filed by the plaintiffs for grant of ex-parte ad-interim injunction against the defendants. Heard Learned Advocate Mr. P.V. Herkal for the plaintiffs. It is contended by the plaintiffs that the suit property bearing Grampanchayat property No.60 situated at Mouje Khadaki, Taluka Wai is there ancestral property. They are having possession since their four fathers. Now, the defendants are carrying out construction in the suit property. When they resisted for it, the defendants told him that said land belongs to them. During further inquiry, the plaintiffs came to know that in the year 1963 the defendants in collusion with one Ramchandra Shingate divided the suit property and its some portion was numbered as Grampanchayat property No.62. Accordingly, the entries were taken. The alleged construction is causing disturbance to the peaceful possession of plaintiffs over the suit property. Therefore, the defendants be restrained by ad-interim exparte injunction from carrying out further construction.

2. Perused the record. It appears that the form No.8 of Grampanchayat property No.62 shows the name of present defendants alongwith said Ramchandra Shingate. According to the plaintiffs, said Ramchandra, Namdeo, Vishnu and Vilas are now no more. They further submitted that the alleged construction is in fact carried out by defendant No.3 Appa illegally. In support of their contention, the plaintiffs have also file map / sketch to show the factual position and status of the suit property. However, the fact of Grampanchayat entry in

the name of present defendants since long i.e. year 1963 is also required to be taken into consideration. Importantly, looking to the photographs in respect of the alleged construction, it appears that said construction has been completed to some extent. It also prima facie appears from the photographs that said construction is being carried out on the earlier construction. In such facts and circumstances, it is necessary to hear the other side before passing any adverse order against them. Considering the urgency pleaded by the plaintiffs, emergent process and special bailiff is allowed. Hence, the order:

ORDER

Issue notice to the defendants to show cause as to why the injunction as prayed by this application should not be granted in favour of the plaintiffs, returnable on 04.01.2025. E.P. & S.B. is allowed on P.F accordingly.

[Dictated and pronounced in the open Court.]

Date : 21.12.2024

(R.M. Bhende)
Jt. Civil Judge Jr. Dn. Wai.