

ORDER BELOW EXH. 7 IN REGULAR CIVIL APPEAL NO.118/2024

(Old no. Regular Civil Appeal No. 89 of 2022)

(C.N.R. No. - MHST21-0021001139-2024)

(Bhavansingh Mansingrao Kadam Vs. Jivaji Krushnaji Pawar)

This is an application for restraining the respondents, their agents, servants etc from interfering possession of the plaintiff over suit property till final disposal of the appeal.

2] The plaintiff/ appellant appeared and filed affidavit Exh. 18 submitting that the respondent no. 2 and 3 already appeared in the matter and they have knowledge regarding pendency of this appeal. However, they have brought poclain machine to sink well in the land Survey no. 54/1B/1 with intention to change nature of the said property. It will cause irreparable loss to the plaintiff/appellant and hence he prayed interim relief to restrain the said respondents from sinking well in the suit property or causing obstruction in his possession.

3] The appellant also filed two photographs along with list of documents Exh.20 depicting the standing poclain machine in the agricultural land.

4] I have heard the Ld. Advocate for appellants. Perused the record. The respondents no.2 and 3 have been duly served with the notice Exh. 12. They also appeared through their Ld. Advocate R.M. Kharkar on 18.07.2022. Therefore, this makes it clear that

respondents no. 2 and 3 have knowledge about pendency of this appeal.

5] Ld. Advocate for the appellants submitted that dispute is about possession of the suit property /land. If the respondents illegally sunk well, it will change nature of the property. It appears from the photographs annexed with list of documents Exh. 20 that they have brought poclain machine with intention to sink well. Therefore, considering this fact and that the respondents no. 2 and 3 are having knowledge about pendency of the appeal, they are expected not to create complications in the matter by any illegal act. Hence, the appellants are entitled for interim relief as prayed for and in the result I pass the following order.

ORDER

- 1] The respondents no. 2 and 3 are hereby temporarily restrained from sinking well in the suit land Survey no. 54/1B/1 till further order.
- 2] Issue notice to them to show cause as to why the above said order should not be confirmed.
- 3] E.P. & S. B. allowed.

(Dictated and pronounced in open Court)

Phaltan.
Date : 10.05.2024

(P. V. Chatur)
District Judge-1, Phaltan.