

MHTH170006502025



R. C. S. No. 35/2026

Shraddha Realtors Partnership Firm

Vs.

Dhanraj Singh Hanuman Singh Rajput Hazari

ORDER BELOW EXH. 7

01. The plaintiff has prayed for ex-parte ad-interim injunction restraining the defendant from disturbing the peaceful possession and construction over the suit property.

02. Heard learned advocate **Shri. O. P. Kadam** for the plaintiffs. Perused documents filed with **Exh. 3** and other material on record. This is a suit for injunction. **Order 39 Rule 3** of the Civil Procedure Code (in short 'the C. P. C') empowers the Court to grant ex-parte ad-interim injunction. It is submitted by plaintiff that he is owner and possessor of the suit property situated at Palghar, Taluka and District Palghar. It is submitted that the suit property is purchase by the plaintiff by registered sale deed from Mukund Sankhe & Ors. The plaintiff is partnership firm. The plaintiff has filed copy of partnership deed, order of Tahsildar regarding NA property, Map of the property, sale deeds, permission of District Collector for construction over the suit property. The defendants are adjacent owner of the suit property. However, they have no concern with the suit property, however they obstruct the construction of the plaintiff over the suit property by interim in to the property and also disturb the peaceful possession of the plaintiff over the suit property. Therefore, plaintiff suffer irreparable loss if the defendants are not restrain. Hence, prayed for ex-party ad-interim injunction.

03. Perused the record documents field by the plaintiffs. The sale deed shows plaintiff is bonafide purchaser of the suit property. The revenue records is in favour of the plaintiffs. The plaintiffs has also field copy of complaint filed at Police Station, Palghar. Hence, on perusal of documents on records it prima-facie appears that plaintiff is in possession and is a owner of the suit property. Therefore, if

defendants are not restrain to obstruct possession of the plaintiffs. The plaintiff will suffer irreparable loss.

04. Hon'ble Supreme Court in **Morgan Stanley Mutual Funds Vs. Kartick Das:Securities and Exchange Board of India 1994 (4) SCC 225** has laid principles for consideration while granting ex-parte ad-interim injunction. Hon'ble Supreme Court has held “*ex-parte ad-interim injunction could be granted in exceptional circumstances (a) where irreparable or serious mischief will cause to the plaintiff (b) where refusal of ex-parte injunction would involve greater in justice than the grant of it (c) the time at which the plaintiff first had notice of the act complained.*” In view of material on record and in absence of notice to the defendant, it is necessary to protect possession of the plaintiffs. Para 34 of the plaint shows that the plaintiffs has approached the Court at the earliest possible opportunity. In such circumstances it shows that if ex-parte ad-interim injunction is not granted the object of the granting of injunction would be defeated by the delay. Hence, I pass following order :-

ORDER

01. Application is allowed.
02. The defendants are hereby restrained from obstructing construction over the suit property and peaceful possession of the plaintiff over the suit property particularly mentioned in para 6 of the plaint till next date.
03. Plaintiffs to comply Order 39 Rule 3 of the C. P. C.
04. Issue show cause notice to the defendant as to why ex-parte ad-interim injunction issued against them should not be confirmed returnable on 13.03.2026. EP and SB allowed.

Date: 07.03.2026.
Place: Palghar.

(Sujata R. Bandal)
Jt. Civil Judge, Jr. Division
Palghar