

First Order below Exhibit – 5

Perused the application. Heard learned counsel for the plaintiff. He submitted that, name of the plaintiff has been deleted fraudulently and thereby name of the defendant No. 1 Parashram Kewat has been added in the 7/12th extract of Gat No. 42. It is further submitted that, if an amount of compensation will be allotted to the defendant No. 1 alone then irreparable loss will cause to the plaintiff. Hence, the plaintiff has prayed for ad-interim ex-parte injunction against the defendants No. 2 and 3 that, they shall not deposit an amount of compensation in account of the defendant no. 1 till final decision of the suit.

2. Perused the documents and consider the arguments in detail. The instant suit has been filed for permanent injunction in which the land acquisition officer and collector, Washim are the parties along with the defendant Parashram. It is submitted that, the plaintiff is having 1/3rd share in that amount and name of the plaintiff has been fraudulently deleted from Gat No. 42. What is the actual position that cannot be inferred without hearing the other parties. On perusal of the plaint there appears no prima facie case and substance for granting ad interim ex-parte injunction without hearing the defendants. Hence, prayer of the plaintiff regarding ad interim ex-parte injunction is rejected in the interest of justice. Issue notice to the defendants for filing say. E.P. and S.B. allowed if prayed.

Date : 27/02/2020

2nd Jt. Civil Judge (Sr. Division),
Washim.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per original order

- 1) Name of Stenographer :- Rupali A. Charthal
- 2) Name of Court :- 2nd Jt.Civil Judge (S.D.), Washim.
- 3) Date :- 27/02/2020
- 4) Order signed by the :- 27/02/2020
presiding officer on
- 5) Order uploaded on :- 29/02/2020