

ORDER BELOW EXH. No.5 in RCS No. 14/2026
(Kisan Vithoba Khorane and another Vs. Gram Panchayat Vanoja)

1. Heard learned Advocate Ku. P. P. Bansod for the plaintiffs. Perused the plaint, application at Exh.5 for temporary injunction, affidavit in support thereof, and the documents produced on record.

2 By the present suit, the plaintiffs seek perpetual injunction in respect of the suit property situated at Mouje Vanoja, Tal. Mangrulpir, Dist. Washim, near the southern side of Tank adjoining Gat No. 183. By Exh.5, the plaintiffs pray for temporary injunction restraining the defendant Gram Panchayat, its employees, agents and any person acting through it, from removing the alleged encroachment/structures from the suit property, and from causing obstruction/interference till disposal of the suit.

3 The plaintiffs submit that they are in settled possession of the suit property and that the defendant is attempting to remove the alleged encroachment without following due process, which may cause them irreparable loss.

4. At this stage, the Court is called upon to consider whether an *ex parte* ad-interim injunction is required. It is well settled that grant of temporary injunction is a discretionary relief and the Court has to consider: (i) existence of a prima facie case, (ii) balance of convenience, and (iii) likelihood of irreparable injury. Further, an *ex parte* injunction can be granted only in exceptional circumstances where delay would defeat the very object of granting injunction, and the Court must record reasons for granting or refusing such *ex parte* relief.

5. In the present matter, the relief sought at Exh.5 directly restrains the statutory local body from taking action concerning alleged encroachment on/near public property. Such an order, if passed without hearing the defendant, may have serious civil consequences and may affect public interest. On perusal of the pleadings and documents

produced, the Court finds that the rival contentions regarding the nature of the property, the plaintiffs' right/possession, and the legality of the proposed action by the Gram Panchayat require consideration after hearing the defendant. The material placed at present is not such that the Court can safely conclude that immediate *ex parte* restraint is necessary and that delay till service of notice would defeat the purpose of the application.

6. Therefore, in the interest of justice and to follow the principles of natural justice, it is necessary to hear the defendant before passing any interim order on Exh.5.

ORDER

- 1) Show cause notice on Exh.5 is issued to the defendant as to why the application for temporary injunction should not be allowed.
- 2) The notice shall be returnable on 07/03/2026.
- 3) Special Bailiff and emergent process are allowed.
- 4) Ad-interim *ex parte* injunction is refused at this stage. The application shall be considered on merits after appearance of the defendant.

Pronounced in open Court

Dated 10/02/2026

(Khwaja C. Kalal)
Jt. C. J. J. D., Mangrulpir
Tal. Mangrulpir, Dist. Washim

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.

Name of Court	:-	Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Mangrulpir, Dist. Washim.
Presiding Officer	:-	Khwaja C. Kalal
Judgment uploaded by	:-	Shri. S. S. Rathod (Jr. Clerk)
Date of Judgment	:-	10/02/2026
Judgment/Order signed by the presiding officer on	:-	10/02/2026
Judgment/Order uploaded on	:-	10/02/2026