

MHWS070016182024

RCS No. 52/2024

Shaikh Abdul Vs. Alimoddin+1



ORDER BELOW EXH-15

(Passed on 28th August, 2024)

1. This is an application filed by the plaintiff for interim temporary injunction.
2. It is the contention of the plaintiff that defendants have received the suit summons, but defendant No.1 has continued the construction over the Government Road. This construction made by the defendant No.1 is obstructing the easementary right of the plaintiff. Therefore, it is necessary to restrain the defendant No.1 from making illegal construction till the decision of Exh.5.
3. The defendant No.1 appeared in the suit and strongly opposed the present application by submitting that the defendant No.1 had applied for the permission of the construction to the defendant No.2, but within stipulated time defendant No.2 not granted permission for the same. Hence, on a deemed permission defendant No.1 started construction. Hence, prayed to reject the application.
4. Heard both the sides at length. Perused the record.
5. It is seen that the defendant No.1 appeared in the suit today itself. He has filed application seeking time for filing of the reply. It is the contention of the plaintiff that defendant No.1 is continued with the construction over the Government land, which obstructs the easementary right of the plaintiff. If the construction is to be continued, it is highly possible that the construction will be at the stage of its completion. Therefore, it will cause grave loss to the plaintiff rather than the defendant No.1. In support of this contention the plaintiff has filed some photographs of the construction on

the record. Prima facie, it appears that the construction is going on till today and if the same is to be continued, it will cause loss to the easementary right of the plaintiff. Therefore, I am of the view that the rights of the plaintiff need to be protected. In such circumstances, the application deserves to be allowed. Accordingly, I pass following order.

ORDER

1. Application is allowed.
2. Interim temporary injunction is granted till filing of the reply of both the defendants.
3. Costs in main cause.

Date : 28/08/2024. Karanja (Lad)		(Smt. S.N. Pund) Jt.Civil Judge (Jr.Dn.), Karanja (Lad).
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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 Stenographer	:	D.V. Daware (Stenographer Grade-III
Court Name	:	Jt. Civil Judge (JD) & JMFC, Karanja.
Date	:	28/08/2024
Order signed by the Presiding Officer on	:	28/08/2024
Order uploaded on	:	28/08/2024