

ORDER BELOW EXHIBITE-5 IN RCS NO.30/2023

1. Perused the application. Application is supported by affidavit. Heard the learned advocate for plaintiff. Perused the documents. On perusal of the documents it appears that one Shriram Gondal and Sunanadabai Gondal have executed sale deed in favour of the defendant No.1 of plot No.303 (Property No.470) to the extent of 45 square meter. On perusal of the sale deed it appears that towards east and west, there is house of Digambarappa Gondal. The Digambarappa Gondal is the father of plaintiff. On perusal of the Namuna No.8 it appears that the property plot No.303 is in the name of defendant No.1. The admeasuring of the property No.470 is 85 square meter. It is the contention of the plaintiff that the defendant No.1 is trying to construct over their plot. Plaintiff has filed photographs of the suit property which shows that defendant No.1 is trying to construct over the suit property. In addition to these documents one Sunanadabai Shriram Gondal filed her affidavit wherein she submitted that her husband had created false village namuna No.8-A. Only 45 square meter has been sold defendant No.1. He has no right to construct over the suit property.

2. On perusal of these documents and photographs it appears that the defendant No.1 is trying to construct the suit property if he succeeded in his construction then. Plaintiff may suffer irreparable loss. Moreover, the purpose of the suit may be infructuous it may create multiplicity of proceeding in the suit property. On perusal of documents it appears that the present case is an exception to the rule that before passing an order to hear the other side. Hence, it is just and proper to

restrain the defendant from making any sort of construction over the suit property. Hence, following order :-

ORDER

1. Defendant No.1 is restrained from making any sort of construction over the suit property till next date.
2. Plaintiff shall comply as per order XXXIX Rue 3 of C.P.C.
3. The copy of this order be given to the plaintiff for compliance.

Place : Malegaon
Date : 06.05.2023

Jt. Civil Judge (J.D) Malegaon
Dist. Washim.
Dictated at 6.00 p.m.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

Name of the Stenographer : **Shivam B. Patange (L.G.)**

Court & Judge Name : P.U.Kulkarni,
Jt. C.J.J.D and J.M.F.C, Malegaon.

Date of Order : 06.05.2023

Order signed by the

Presiding Officer on : 06.05.2023

Order uploaded on : 06.05.2023