

ORDER BELOW EXHIBITE-5 IN RCS NO.36/2023

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 applicant has his applied for construction permission. Thereafter, from 03.10.2022 defendant No.1 has not communicated regarding construction permission. The defendants have issued two notices regarding the construction erected by the plaintiff. The Ld. Advocate for the plaintiff submitted on 27.05.2023 resolution has been passed by the Gram Panchayat for demolition of construction. Therefore, prayed for status-quo.

2. Perused the documents on record. On perusal it appears that the plaintiff has erected the construction over the suit property. Defendants have issued notices for demolition of construction. The Ld. Advocate for the plaintiff submitted that after the application for construction permission, within 60 days construction permission has not been granted. Therefore, it is deemed permission. The construction over the suit property is completed. Despite reply to the notices resolution has been passed.

3. On perusal of documents it appears that defendants are in haste to demolish the construction over the suit property. If the defendants are succeeded in their act then the purpose of the suit will frustrate. Therefore, in such situation it is necessary to restrain the defendants from demolishing the construction over the suit property. Hence, following order :-

ORDER

1. Defendants are restrained from demolishing the 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 : 10.06.2023

(Pravin U. Kulkarni)
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 : 10.06.2023

Order signed by the

Presiding Officer on : 10.06.2023

Order uploaded on : 10.06.2023