

R.C.S. No 216/2025
Rajendra Modak Vs. Gram
Panchayat, Pimpri Modak

ORDER BELOW EXH- 05

(Passed on 27.01.2026)

The plaintiff has filed application Exh- 12 to call the suit on today's board. Also he filed application Exh- 15 for urgent hearing on Exh- 05. It is alleged that, defendants are making haste to demolish the construction of the plaintiff with the help of police aid. Also defendants have taken police protection on 28.01.2026 to demolish construction of plaintiff over the suit property. If defendants demolish the construction then purpose of filing present suit would frustrate. Hence, he prayed to restrain defendants from demolishing the construction over the suit property till the next scheduled date of the suit.

2. Considering the submission of Ld advocate for plaintiff, application Exh- 13 is allowed and matter is called on today's board for urgent hearing on Exh- 05.

3. The application at Exh- 05 is an application under Order XXXIX, Rule 1 and 2 of Civil Procedure Code (in short 'CPC'). The application is filed against both the defendants. Now Ld. Advocate for the plaintiff has prayed for ad- interim injunction against the defendants.

4. Read the application and documents placed on record. Heard learned advocate for the plaintiff.

5. Present suit is for permanent injunction. On 03.01.2026 Ld. Advocate for the defendants has filed the Vakalatnama vide Exh-

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09. The defendants vide application at Exh- 11, had sought further time for filing reply to the application, Exh- 05. Further time till 16.02.2026 was granted to them to file their say to the application Exh- 05.

6. Ld. Advocate for the plaintiff submitted that, the defendants are making haste to demolish the construction over the suit property. For it defendants have sought police aid on 28.01.2026. All these things are going on inspite of knowledge to the defendnats of filling present suit and without following due procedure of law. If before final hearing on the application Exh- 5 defendants succeed to demolish the construction over the suit property, then purpose of Exh- 5 would be frustrated and it will create multiplicity of litigation. Hence, he prayed to grant ad-interim injunction till next date of the suit.

7. I have gone through the material on record. The plaintiff has claimed ownership and possession over the suit property. Further, record show that, the defendants had filed an application before Dhanaj police station for police aid to demolish construction of the plaintiff. In said application Dhanaj police station has granted police aid to defendants on 28.01.2026. Thus, considering the submission of Ld. Advocate for the plaintiff the point of possession and interim relief claimed in respect of it is liable to be kept open until final hearing of the applicaiton.

8. So far as, the relief of ad-interim nature in respect of restraining the defendants from disturbing possession of the plaintiff

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over the suit property, is concerned, I am inclined to grant the same only for short period, as the plaintiff has shown apprehension that, the defendants are making haste to demolish the construction over the suit property and causing damages to it. It is just to do so to avoid the multiplicity of proceeding and further complications.

9. Hence, the order;

ORDER

1. The defendants No. 1 and 2 and / or anybody claiming through them shall not disturb possession of the plaintiff in any manner over the suit property, till 16.02.2026 or until further order.
2. E. P. and S. B. is allowed, if necessary.

Pronounced in open Court.

Karanja
Date : 27.01.2026

(P D. Deore)
Jt. Civil Judge, Jr. Division
Karanja (Lad), Dist – Washim