

ORDER BELOW EXH.5 IN R.C.S.NO.212 OF 2015

1. The application is u/o. 39 Rule 1 & 2 CPC for temporary injunction. The suit is for permanent injunction. The defendants though appear failed to file say to the application and also written statement. It is material allegation that the defendants though not having any right with the suit land measuring 40 R repeatedly obstructing possession and cultivation of the plaintiff. Instances dated 21/10/2015, 19/11/2015 & 20/11/2015 have been mentioned in the application. The application is supported with affidavit (Exh.6).

2. Heard Ld. Adv. Ms. R.P. Pagar for the plaintiff. Though the defendants were having opportunity they did not contest or orally opposed the application. It is pleaded that the defendants obstructed inter cultivation in onion crop and opposed to sprinkle pesticides. It is also alleged that the defendants assaulted the plaintiffs mother, sister and wife. The temporary shed of the plaintiff's worker Dnyaneshwar is damaged.

3. 7/12 extract dated 22/11/2015 shows that the suit land is exclusively owned by the plaintiff. During the year 2015-2016 tomato, onion and wheat crops are taken in the land. The contentions are remained unchallenged. The statements of the plaintiff made on oath, supported by 7/12 extract, prima-facie appear to be acceptable proof. Being exclusive owner and the presumptive value of the 7/12 extract, the plaintiff has prima-facie

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case. The defendants appear to have no right whatsoever in the suit land. It also reveals from the record that the defendants are interfering in the cultivation and possession of the plaintiff. The plaintiff being in possession balance of convenience lies in his favour. Apparently the plaintiff is entitle for temporary injunction. Therefore :

Application Exh.5 is allowed.

The defendants or their servants, agents or anybody else on their behalf are restrained from interfering in possession and cultivation of the plaintiff in suit land until disposal of the suit.
Costs in cause.

(S.P. Kekan)

Civil Judge Junior Division,
Akole.

Date : 28/03/2016