

ORDER BELOW EXH. 5

Perused application, affidavit and documents. Heard Ld. advocate Shri. K.S. Lomate & Shri. Ghogare.

2. It appears that, suit property Gat No. 02 Adm. 8 R (Open Space) Situated at Dhanora (B) is owned and possessed by the plaintiff - Grampanchayat. Defendant is Former Member of the Grampanchayat Dhanora B. The plaintiffs claims encroachment over land of Grampanchayat Dhanora B. There is Acquisition Form file No. 72/LND/28, issued by the Ld. Tahsildar. The plaintiffs have filed copy of Notices dated 30/04/2023 and 26/05/2023. Panchanama dated 25/40/2023 in respect of service is on record. Notices are not replied by the. There is complaint P.I. Ambajogai Rural dated 26/06/2023 (Below Exh. 10). All documents shows, pleading of encroachment & illegal construction of defendant.

3. It is noted that, notice / summons is not issued yet. The plaintiff No. 1 has pleaded urgency and filed affidavit dated 27.06.2023 (Exh. 8). Photographs shows development in construction (Below Exh. 10).

4. Suit is filed for perpetual injunction. Suit property is the Public Property. Any action like construction, sale or third party interest by defendant in respect of suit property will create the complications and multiplicity of litigations. Considering steps by the plaintiffs and documents on record, application for the ad-interim injunction deserves to be granted. Hence, following order is passed in the interest of justice.

:: ORDER ::

1. Application is allowed.
2. The defendants, his agents, servants or anybody through them are hereby restrained from construction, obstruction, sale and creating third party interest in the suit property till further order.
3. Plaintiff to comply provision of O-39 R-3 of the C.P.C.
4. Issue show cause notice to defendant as to why injunction should not be continued till disposal of the suit returnable on **04-07-2023**
5. E.P. and S.B. allowed.

SD/-

(N. C. Borphalkar)

Date : 27/06/2023.

2nd Jt Civil Judge (Jr. Dn.), Ambajogai

:: Certificate of Stenographer ::

“I affirm that the contents of this PDF file are word to word as per original Order.”

Dictated On : 27/06/2023.

Transcribed On : 27/06/2023

Checked & Signed On : 27/06/2023

Date : 27/06/2023

Place : Ambajogai.

Sd/-
(A. N. Humbe)
Jr.Clerk

2nd Jt. C.J.J.D. & J.M.F.C., Ambajogai.