

Order below Ex. 1 in RCS no. 01 of 2018

Heard Id. Advocate R.D. Bile for the plaintiff. The case of plaintiff is that the suit property i.e. survey no. 321 hissa no. 8 admeasuring about 2.8 guntha is own by herself and other co-owners. The suit porpoerty is Gharbhat in nature. The defendant is no where concern with the suit property. The plaintiff stay's in mumbai. The other co-owners also do not reside in the suit property. Therefore, the plaintiff can not consistantly look after the suit property but she possess it. The defendant have fixed 4th and 5th January for conducting Uroos which is religious programme. The defendant has not taken concent of plaintiff for it. The plaintiff apprehends that defendant will scape goats for said religious ceremoney in the suit property. The plaintiff has filed 7/12 extract at exh. 6 which shows name of her father. She has supported affidavite to the instant application. In the perculiar circumstances of the case it is prima facie apparent that the plaintiff has right in the suit property and defendant are nowhere concern with it. At the same time from the pleading of plaintiff itself that the Uroos i.e. religious is to be conducted tomorrow. The plaintiff was not residing in suit property therefore she might not be aware since when such Uroos is conducted in the suit property. Facts with that regard, are silent. It also appears that large number of goats will be scapped. There will be gathereing of many people. In such situation, granting injunction might lead into unwanted events between people or it might raise issue of quarell. Thus I think it proper to hear the other side before granting any injunction. The loss if any so caussed by the defendant can be compesated to the plaintiff. Thus I pass the following order:

- i. Issue show cause notice to the defendant as to why ex-parte injunction shall not be granted as prayed returnable on 04.01.2018.
- ii. Speical bailiff allowed on oral request.

Dated : 03.01.2018

Sd/-
(V.D.Patil)
Civil Judge (Jr.Div.) Vengurle

