

MHST080011242022

REGULAR CIVIL SUIT NO.236/2022**Savala Sakharam Kolekar****V/s.****Tanaji Sakharam Kolekar and Ors.****ORDER BELOW EXH.46**

The present application is filed by the defendant No.1 under Section 151 of the Code of Civil Procedure, 1908 so as to avail bill of sugarcane crushing (ऊस गाळप) in Gat No.156.

02. It is averred by the said defendant in the present application that, western side of suit property i.e. Gat No.156 is in the possession of him and he cultivated sugarcane in February 2023 in the said property. The said sugarcane was properly cultivated and is about to cutting down. However, the plaintiff No.1 obstructed in the said property and cut the said sugarcane cultivated by said defendant. It is also submitted by the said defendant that, there is irreparable monetary loss caused to him due to such behaviour of plaintiff No.1. Hence, present application is filed by him to seek bill of said sugarcane crushing in his name.

03. The plaintiff filed his say to the present application at Exh.50 and contended that, the plaintiff himself cultivated said sugarcane and incurred all expenses regarding it. The defendant No.1 is not at all concerned with said sugarcane or its crushing bills. Hence, he prayed for rejection of present application.

04. I have heard arguments of both parties and perused documents on record. It appears that temporary injunction application at Exh.5 is decided by this Court and it is rejected. The averments in the present application regarding cultivation of sugarcane and its bills of crushing are to be decided on merit after evaluation of evidence of both parties. The case is at primary stage and such relief cannot be granted mechanically. Considering facts and circumstances of case, following order would suffice the purpose :

ORDER

The application at Exh.46 is rejected.

Date: 07.07.2025.
Khandala.

(Smt. S. G. Kuvalekar)
Civil Judge Junior Division
Khandala