

Markas Bhanudas Salve
Vs
Rajesh Bhaskar Salve and 2 others

ORDER IN R.C.S. No. 389/2026 BELOW EXH.05

1. Perused the application for ad-interim ex-parte temporary injunction filed by the Plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, along with the supporting documents appended thereto. Heard learned advocate Shri S.S. Kale for the Plaintiff at length.

2. The Plaintiff contends that the suit properties comprise agricultural land bearing Gat No. 1141, admeasuring 1 H 33 R, situated at Village Chaklamba, and Gram Panchayat House Properties bearing Nos. 600/A/0 and 600/B/0, situated within the local limits of Gram Panchayat, Kamba. The suit properties originally belonged to one Bhanudas Salve, upon whose demise the estate devolved via succession upon his widow, Shantabai. Shantabai demised issueless on 27.07.2010.

3. It is the case of the Plaintiff that, to ensure the line of succession, the late Shantabai adopted the Plaintiff as her son by executing a registered Adoption Deed (Registration No. 687/2003) dated 03.05.2002. Consequent to her demise, the Plaintiff obtained a Legal Heirship Certificate from the competent Civil Court and accordingly mutated his name in the revenue records of the agricultural suit property via a Mutation Entry sanctioned by the Talathi.

4. The Plaintiff further submits that the late Bhaskar Tatyaba Salve (the late cousin of the Plaintiff, who passed away on 16.10.2019) was the father of Defendant No. 1 and husband of Defendant No. 2. Taking advantage of the Plaintiff's non-residence at the location of the house properties, the late Bhaskar Salve, in collusion with the then members of the Gram Panchayat, fraudulently mutated his name into the Gram Panchayat

records for House Nos. 600/A/0 and 600/B/0. The Plaintiff labels this entry as false, bogus, and non-est in law.

5. Subsequently, the Defendants executed a registered Agreement for Sale (Registration No. 5939/2011) in favour of Defendant No. 3 (the subsequent purchaser) in respect of House Property No. 600/B/0. Asserting absolute ownership and undisturbed possession over the suit properties, the Plaintiff claims that the fraudulent mutation entries and any subsequent alienation or creation of third-party rights in favour of Defendant No. 3 are void ab initio and not binding upon the Plaintiff. Apprehending disturbance to his peaceful possession and irreparable loss, the Plaintiff prayed for an ad-interim ex-parte temporary injunction pending the appearance of the Defendants.

6. Having evaluated the pleadings and carefully scrutinized the documentary evidence on record, it appears that the Property Register Card (PTR) for House Property No. 600/B/0 currently stands in the name of Defendant No. 3, while the PTR for House Property No. 600/A/0 reflects the name of the father of Defendant No. 1.

7. Conversely, the revenue records for the agricultural land (Gat No. 1141) exclusively bear the name of the Plaintiff, establishing his prima facie possession over the landed property. Mutation Entry No. 2733 corroborates that the Plaintiff's name was recorded on the basis of the aforementioned registered Adoption Deed. A prima facie perusal of the registered Adoption Deed indicates that the Plaintiff was lawfully adopted by the late Shantabai, and the Legal Heirship Certificate on record stands exclusively in the name of the Plaintiff.

8. In the light of contentions, I have perused the documents, it appears that, the suit property (house no. 2) is currently in the name of defendant no. 3. Landed property is appearing to in the name of plaintiff only which shows possession of plaintiff. ME no.2733 shows that by way of Regi. Adoption deed,

name of plaintiff was recorded on revenue entry of suit property. However, PTR of house no. 1 is in the name of defendant no. 1's father. Prima facie perusal of adoption deed shows that plaintiff was adopted as son by deceased Shantabai. The heirship certificate appears to be in the name of plaintiff only.

9. The documentary evidence completely undermines the claim of exclusive possession over the house properties. The **Property Register Card (PTR)** for House No. 600/A/0 stands in the name of Defendant No. 1's father, while the PTR for House No. 600/B/0 currently stands in the name of Defendant No. 3.

10. Defendant No. 3 holds the property via a **registered Agreement for Sale** (Reg No. 5939/2011) from over a decade ago. Passing an *ex-parte* (one-sided) temporary injunction against a registered titleholder disrupts a long-standing status quo without granting them the basic right to be heard. Hence, I do not find it fit to allow the application without giving sufficient opportunity to other side to put forth their contentions. Hence the order

ORDER

1. Prayer of ad interim ex-parte injunction is rejected.
2. Issue notice to defendants as to why T.I. as prayed may not be granted against them R/O 15/06/2026.
3. E.P. and S. B. allowed if prayed for

Place : Georai.

[Shruti H. Patil]

Date : 03/06/2026.

Jt. CJJD, Georai.