


MHGO080001812022 	Presented on	:	01-02-2022
	Registered on	:	01-02-2022
	Decided on	:	22/04/2026
	Duration	:	04 Y. 02 M. 21 D

**IN THE COURT OF CIVIL JUDGE, JUNIOR DIVISION, TIRORA**  
(Presided over by A.T. Bansod)

**Regular Civil Suit No. 09/2022**

**Exh-48**

1. **Laxmi Virendra Kukade**

Age:- 42 Years, Occupation:- Agriculturist

2. **Ramchand Daulat Kukade**

Age:- 67 Years, Occupation:- Agriculturist

Both R/o. At, Post- Kesalwada Tah. Tirora

District- Gonida

... **PLAINTIFFS**

...**VERSUS**...

1. **Papita Chandrakant Kukade**

Age: - 45 Year, Occupation: - Business

R/o. Tirora, Tah. Tirora, Dist- Gondia.

2. **Chandrakant Kamlakar Kukade**

Age: 54, Occupation: - Agriculturist

Both of R/O. At post- Kesalwada

Tah. Tirora, District - Gondia.

... **DEFENDANTS**

**SUIT FOR DECLARATION AND PERMANENT INJUNCTION**

.....  
**Appearance:-**

*Shri. N. P. Shende learned Advocate for plaintiffs.*

*Shri. A. R. Mallewar Learned Advocate for defendants.*

.....

**JUDGMENT**

(Delivered on 22/04/2026)

Plaintiffs have filed present suit for declaration of ownership and permanent injunction.

**2. The factual matrix involved in suit is as under: -**

A) The plaintiff No.2 has purchased land of 0.02 H.R. (ABCD shown in plaint map) and plaintiff No.1 has purchased 0.04 H.R. (CDEFG shown in plaint map) land out of Gat No. 258 having total area 0.62 H.R., situated at Kesalwada, Revenue Circle Mundikota, Ta. Tirora, District Gondia from Natthu Ganoba @ Ganesh Sathawane vide registered sale deed dated 15/02/2002 and 10/02/2021, respectively. Both these lands are adjacent to each other and subject matter of this suit, for the sake of brevity it will be referred as suit property. Names of both plaintiffs are brought on revenue records. As such, they are owner and possessor of suit property. The plaintiff No. 2 has constructed house on land at 0.02 H.R. land and residing therein since then.

B) They have further contended that, in the month of August 2021, both defendants came on land of plaintiff No. 2 and started picking up bitter gourd belongings to him and on oppose they quarrel with him. The defendant No. 1 has purchased 0.56 H.R. land of Gat No. 258 from Natthu Ganoba @ Ganesh Sathawane in the year 2009. On 16/07/2021, the husband of plaintiff No. 1 was on suit property that time defendant No. 2 came on suit property and cause obstruction to him of which report came to be lodged by husband of the plaintiff No. 1. On 26/08/2021, plaintiffs have measured their land from Land Records Office, Tirora and in

presence of both defendants, land was demarcated by planting 2 flags. On 15/12/2021, defendants again came on suit property and started to destroy garlic planted by plaintiffs, of which also report came to be lodged. Defendants have filed false suit against them. They want to grab suit property because defendants wanted to purchase land of 0.04 H.R. of Gat No. 258. Hence, this suit.

3. Defendants appeared and filed their written statement vide Exh. 15. They have admitted relationships and original ownership of Natthu Sathawane. They have also admitted that plaintiff No. 2 has purchased 0.02 H.R. land from Natthu Sathawane on 15/02/2002, construction of house and its mutation entries. However, they have denied rest of the case of plaintiffs. They have specifically submitted that, they have purchased land of Gat No. 258 having area 0.56 H.R. from Natthu Sathawane vide Registered sale deed No. 956/2009 dated 22/06/2009 and mutation entries are affected. So, they are owner and in peaceful possession of their property. There was no remaining land of area 0.04 H.R. in possession of Natthu Sathawane and plaintiffs never got it measured prior to purchase.

**B]** They have further contended that plaintiffs and original owner Natthu Sathawane came on their land on 20/06/2021 and tried to disturb their peaceful possession and threatened for which police complaint came to be lodged. Plaintiffs want to encroach their land by dispossessing them. As plaintiffs wants to grab some portion towards western side of the plaintiffs, defendants have filed Civil suit bearing No. 57/2021, in which Temporary application came to be allowed. Plaintiffs are misleading by showing 0.06 H.R.

land. Hence, prayed to dismiss the suit.

4. After going through inter-alia pleadings of both parties, my learned predecessor has framed issues below Exh.24 and I record my findings with reason thereon as follows :-

S. N.	Points	Findings
1)	Whether plaintiffs prove that they are having title over suit property mentioned in plaint paragraph No.4, 7 and 8?	In the affirmative.
2)	Whether plaintiffs proves that they are having peaceful possession over the suit property mentioned in plaint?	In the affirmative.
3)	Whether plaintiffs prove that defendants have obstructed their peaceful possession over suit property?	In the affirmative.
4)	Whether plaintiffs are entitle to seek relief of perpetual injunction as prayed for ?	Yes.
5)	What order and decree?	Suit is Decreed.

### REASONS

5. In order to substantiate their claim, plaintiffs have examined plaintiff No. 1 as P.W. No. 1 below Exh. 25, plaintiff No. 2 as P.W. No. 2 below Exh. 37, P.W. No. 3 Roopchand Kushan Kukade below Exh. 39, P.W. No. 4 Kailash Sitaram Shende below Exh. 40 and measurer as PW No. 5 namely Arvind Suryawanshi below Exh. 44 and closed their evidence vide pursis at Exh. 46. Defendants failed to conduct cross examination of plaintiffs and their witnesses and also

failed to adduced their evidence, despite opportunity. Hence, by passing order below Exh. 1 on 03/12/2025, evidence of defendants came to be closed.

6. Learned advocate for the plaintiffs argued that the oral and documentary evidence proves the case of plaintiffs. Moreover, their testimonies remain unchallenged. He prayed to decree the suit. Defendants failed to advance their argument despite opportunities. Perused oral and documentary evidence on record.

7. **AS TO ISSUE NOS. 1 TO 3 :-**

All above issues are inter-linked with each other, to avoid repetition, I have decided to discuss them together. The P.W. No.1 and 2 i.e. plaintiffs have reiterated contentions made in their plaint. They have relied on original sale deeds dated 10/02/2021 and 15/02/2009 vide Exhs. 28 and 38 respectively. The P.W. No. 1 further relied on copies of 7/12<sup>th</sup> extract, Namuna 8-A and mutation entries of suit properties vide Exh. 29 to 33 respectively. She has further relied on police complaints vide Exh. 34 to 36.

8. To support their contentions, they have examined P.W. No. 3 Roopchand Kukde and P.W. No. 4 Kailash Shende, who have deposed that, plaintiffs have purchased suit property from Sathawane and constructed their house and residing therein. They have further deposed that, defendants have caused obstruction to their peaceful possession. Plaintiffs have lodged complaint against defendants. They have also got their land measured through TILR. As such, they deposed in support of contentions of plaintiffs.

9. Lastly, plaintiffs have examined Arvind Suryavanshi a

measurer vide Exh. 44 who deposed that, he has measured land at Gat No. 258 of Mouje - Kesalwada, on 26/08/2021. He has brought copy 'A' of map which is similar to copy "C". He has identified copy 'C' of map vide Exh. 45.

10. Documents i.e. 7/12 extract at Exh. 29 shows that the land at Gat No. 258 having area 0.02 H.R, 0.04 H.R. and 0.56 H.R., which stands in the name of plaintiff No.2, plaintiff No.1 and defendant No.1 respectively. It is an admitted fact that land at Gat No. 258 is having total area 0.62 H.R. and as per admission by defendants that the plaintiff No. 2 has purchased 0.02 H.R. land and defendant No. 2 purchased 0.56 H.R. land of Gat No. 258 and that means 0.04 H.R. land was remaining. So, the defence of defendants that there was no land which the plaintiff No. 1 is showing that she has purchased it from Natthu Sathawane in the year 2021. This submission is not considerable because 0.04 H.R. land is remaining from 0.62 H.R. land after purchase of plaintiff No. 2 and defendant No. 1. Plaintiffs have measured their land and demarcated through department of land records.

11. Defendants have failed to conduct cross examination of plaintiffs and their witnesses. As such, testimonies of witnesses of plaintiffs remain unshaken, un-controverted. Thus, this court has no reason to disbelieve their testimonies. Moreover, documents i.e. sale deeds at Exh. 28 and 38 along with other documents at Exh. 29 to 33 relating to suit property shows ownership of plaintiffs over suit property. Inference can be drawn from police reports at Exh. 34 to 36 that obstruction was caused by defendants. Hence, **I record my finding to all three issues in the affirmative.**

**12. AS TO ISSUE NOS. 4 AND 5 :-**

From discussion made above, plaintiffs have proved their case, thus suit is liable to be decreed. Considering facts and circumstances of the case, plaintiffs are entitled to the declaration and permanent injunction as prayed. Hence, following order is passed: -

**ORDER**

1. Suit is hereby decreed with costs.
2. It is hereby declared that the plaintiff Nos. 1 and 2 are owners and possessors of 0.02 and 0.04 H.R. land of Gat No. 258, respectively situated at Kesalwada, Revenue Circle Mundikota, Tah. Tirora, District Gondia.
3. Defendant Nos. 1 and 2, their relatives, agents, servants are hereby permanently restrained from disturbing peaceful possession of plaintiffs over suit property i.e. property mentioned in paragraph Nos. 4, 7 and 8.
4. Decree shall be drawn up accordingly.

(Pronounced in open Court)

Place : Tirora  
Date : 22.04.2026

( A. T. Bansod )  
Civil Judge, Jr. Dn., Tirora.