



ORDER BELOW EXH. NO.05 IN RCS. NO.115/2025
MHSI06-000854-2025
(Passed on : 18/09/2025)

Today Ld. Adv. Shri. S. M. Sawant appeared before the Court and pressed for ad-interim temporary injunction.

2. He argued that the property in question, identified as survey No. 14 located in village Sonurli, Tal. Sawantwadi, Dist. Sindhudurg, is ancestral joint property belonging to the plaintiff and defendants No. 2 to 6. In this situation, defendants No. 2 to 6 sold an area of 1-15 R for a consideration of Rs. 21 lakh to defendant No. 1. The plaintiff became aware of the sale deed on September 9, 2025, when staff members of defendant No. 1 arrived at the suit property on September 8, 2025, and began measuring the land. The plaintiff was also threatened with the possibility of the property being subdivided into plots. As a result, the plaintiff filed the present suit seeking a permanent injunction against defendant No. 1 and requested an interim temporary injunction until a final decision is reached in this case.

3. Perused *prima facie* documents on record.

4. It appears from the record that the suit property is jointly owned and possessed by the plaintiff and the other defendants. While a co-sharer has the right to sell his share in the suit property, he must request a partition when putting the purchaser in possession. The plaintiff claims that the servant of defendant no. 1 is obstructing him while he is working on the suit property. Given the

circumstances, it is appropriate to hear defendant no. 1 before deciding on this application. The plaintiff has not stated that he is on the verge of dispossession if no ad-interim order is granted. Therefore, at this stage, the defendant should be heard in order to determine this application on its merits. Hence, in these circumstances, I pass following order.

-:: ORDER ::-

1. Issue show cause notice to defendant no.1 as to why temporary injunction should not be granted in favour of the plaintiff, R/o. 30/09/2025.
2. Plaintiff is allowed to serve show cause notice to defendant No.1, as prayed.

Date:18/09/2025

(Smt. R.G.Kumbhar)
Jt.Civil Judge (J.D.),
Sawantwadi.