

**IN THE COURT OF MAYURESH R. KALE JUDICIAL MAGISTRATE,  
F. C., BHOKARDAN**

**Regular Civil Suit no. 293/2023**

Plaintiffs	:-	Sangita Sudhakar Dandge, Age: 52 yrs, Occu.: Service, R/o. Padmpura Chh. Sambhajinagar, Tq. & Dist. Chh. Sambhajinagar & oths.
Advocate for plaintiff	:-	Shri. D. S. Jadhav
		Vs
Defendants	:-	Harnabai Ragho Dandge, Age: 65 yrs, Occu.: Household, R/o. Chh. Sambhajinagar & others.
Advocate for defendants	:-	Shri. S. P. Adhe

**ORDER BELOW EXH. 05**

(Passed on 27.06.2025)

Present application is filed with the prayer to restrain defendants from creating third party interest in the suit property till final disposal of this suit.

**Description of the suit property:-**

02. Property situated at Borgaon Jahangir Tq. Bhokardan, Dist. Jalna which bears following description-

Sr. no.	Gat no.	Area
1.	375	0 H 29 R
2.	363	1 H 46 R

**Contention of the plaintiffs:-**

03. Suit properties are ancestral properties of plaintiffs and defendant nos. 1 to 6. Deceased Sitaram Dandge was the common ancestral of plaintiffs and defendant nos. 1 to 6. Being senior most

member in the family after the death of Sitaram suit properties were mutated in the name of predecessor of defendant nos. 1 to 6 i.e. Ragho. By taking disadvantage of this fact Ragho has transferred the suit properties illegally in the name of defendant no. 6 as well as defendant no. 7. Being coparcener in the suit properties plaintiffs are having 1/3<sup>rd</sup> interest in it. Therefore, as on today plaintiff is having apprehension that defendants may create third party interest in the suit properties. Therefore, he filed present application with above mentioned prayer.

04. Defendant nos. 1 to 6 failed to appear in the present suit despite service of summons. Therefore, 'ex-parte order' is passed against them on 29.04.2024. Defendant nos. 7 and 8 failed to file written statement to the plaint as well as say to the present application.

05. Perused the record. Heard Ld. Advocate for the plaintiffs.

06. After considering contentions in the application and submissions made by advocate for the plaintiffs following points arises for my determination. Findings to these points as well as reasoning over it is mentioned below-

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1]	Whether the plaintiff has prima-facie case?	In the affirmative.
2]	Whether the plaintiff has balance of convenience in his favour ?	In the affirmative.
3]	Whether the plaintiff would suffer an irreparable loss if temporary injunction is not granted ?	In the affirmative.
4]	What order ?	Application is allowed

**Point nos. 1 to 3 :-**

07. All these points are inter linked, therefore I am taking these points together for discussion. It is contention of the plaintiffs that suit properties are ancestral in nature. Defendants are denying their rights in the suit properties. Today, they are having apprehension that defendants may create third party interest in the suit properties. Therefore, they are asking temporary injunction against defendants in the form of not to create third party interest in the suit properties.

08. To substantiate the fact that suit properties are ancestral in nature plaintiffs have produced 7/12 extract as well as mutation entries regarding it on the record. As defendants have not challenged pleadings of plaintiffs the relationship furnished by plaintiffs between themselves and defendants remained unchallenged. Mutation entry at Exh.32 shows that suit property Gat no.375 is an ancestral property of Ragho i.e. the person in whose name as per the case of plaintiffs suit properties were mutated being joint family manager. Further mutation entry at Exh.23 prima facie shows that in the name of defendant no. 6 suit property Gat no.363 is transferred by way of partition. Therefore, both these mutation entries prima facie shows that suit properties are ancestral properties of plaintiffs and defendants. These entries are also not challenged by defendants.

09. Further regarding apprehension to create third party interest it is necessary to see the conduct of Ragho who has firstly transferred Gat no.375 in the name of Ratnakar Tukaram Dandge i.e. defendant no.7 and after that Ratnakar i.e. defendant no. 7 transferred whole Gat number in the name of defendant no. 8. Secondly deceased Ragho transferred Gat no. 363 in the name of

defendant no. 5 by way of partition. Further after the death of Ragho only name of defendant nos. 1 to 5 gets mutated to the suit property Gat no. 363. Despite service of summons as well as notice defendants failed to contest the present application. This conduct of defendants also prima-facie shows that they are willing to deny the share of plaintiffs in the suit properties.

10. Therefore, documents produced on record prima-facie shows that suit properties are ancestral properties of plaintiffs and defendants. Being coparcener plaintiffs are having undivided interest as well as right in the suit properties. Above mentioned conduct of deceased Ragho and defendant no. 6 also prima-facie shows that they are denying the share of plaintiffs in the suit properties. Therefore, plaintiffs have prima-facie proved their case that suit properties are ancestral in nature. As defendants failed to appear as well as failed to contest the present application also prima-facie shows that balance of convenience lies in the favour of plaintiffs. Already Gat no.375 is transferred in the name of defendant no. 8, therefore if in the future third party interests are created in the suit properties then it will cause irreparable loss to plaintiffs. Accordingly, I am answering point nos. 1 to 3 in the affirmative and by considering above mentioned reasons I pass following order-

**ORDER**

Application is allowed with costs.

Date: 27.06.2025

(Mayuresh R. Kale)  
Civil Judge (J.D.),  
Bhokardan

**CERTIFICATE**

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Steno	:	Smt. S. R. Ingle
Court	:	CJJD & JMFC, Bhokardan
Date	:	27.06.2025
Judgment/order signed by the Presiding Officer on	:	27.06.2025
Judgment/Order uploaded on	:	27.06.2025