

MHKO010040682025



Order Below Exh.5 In M. C. A.  
No.190/2025  
(Santosh Shankarrao Ghorpade Vs. Firoz  
Dilawar Mujawar)

1. The appellants have filed this application seeking Stay of impugned order dated 01/11/2025 passed by C.J.J.D, Kagal in R.C.S.No.186/2024, whereby plaintiff's interim application was allowed and the defendants were restrained from alienating the suit property as well as from obstructing plaintiff's possession thereon during pendency of the suit.

2. Heard Ld. Adv. Mr. Kestikar for the appellants. He pointed out sale deed as well as property card standing in the name of appellants and argued that the respondent may take undue advantage of the order passed by the Ld. Trial Court and may dispossess appellant No.2.

3. I have perused the record. Appellants are original defendants in the said suit. The plaintiff is claiming possession on the basis of a notarized agreement to sell dt. 27/12/2017 whereas the defendant No.2 is claiming ownership as well as possession on the basis of registered sale deed dated 20/05/2024 executed by defendant No.1. Prima facie, the documents indicate that suit property was sold to the appellants and name of appellant No.2 is also recorded in property card. Thus, prima facie appellant No.2 appears to be in possession of the property. In such circumstances,

if impugned order is not stayed, then appellant might be dispossessed. If stay is not granted at this stage, then it will defeat the very purpose of filing appeal. Hence, I pass following order:-

**ORDER**

- 1) The application is partly allowed.
- 2) Impugned order dated 01/11/2025 passed by C. J. J. D. Kagal in R.C.S. No.186/2024 is hereby stayed till appearance of the respondent.
- 3) The appellants are directed to intimate this order to the respondent and file affidavit of service on record.
- 4) Inform Ld. Trial Court accordingly.
- 5) Costs in cause.
- 6) Since the application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded on line.

Kolhapur.  
Dated:21/11/2025

( Mrs.Aparna S. Waikar )  
District Judge-4, Kolhapur.