

MHKO050052562025



R.C.S. No. 351/2025

Vithabai Kamble & Ors. Vs Amar Kamble

Order Below Exh. 05

Present application is filed by plaintiffs for grant of Ex-parte ad-interim injunction as per Order XXXIV Rule 1 and 2 of the Code of Civil Procedure.

02. Heard learned Advocate Shri. B. K. Hiremath for the plaintiffs.

03. It is submitted that plaintiffs are the owner of C.S. No. 1481, admeasuring 122.40 Sq.mtrs., out of which undivided share 81.60 Sq.mtrs., on which house was constructed bearing Gram Panchayat Property No. 1542, situated at village Rukadi, Tal. Hatkanangale, Dist. Kolhapur, which is bonded as under -

Towards East	-	Property of Mahadev Kamble,
Towards West	-	Property of Sunil Kamble (Aarekar),
Towards South	-	Road,
Towards North	-	Property of Indirabai Kamble.

04. Said property was originally owned by deceased Ganapat Aaba Kamble, who died on 30.05.1998. His son Chandrakant died on 23.05.2012. After their death, name of plaintiff No. 1 Vithabai Ganapat Kamble, Sunita Chandrakant Kamble, Prathmesh Chandrakant Kamble, Pranali Chandrakant Kamble and Mangal Ravindra Kamble were entered.

Yet no partition took place by metes and bounds. Plaintiff No. 1 is old age and uneducated lady. She is having blur vision due to old age. Defendant Amar Babasaheb Kamble is neighbourer of the plaintiffs. He required said house property. There was negotiation between plaintiffs and defendant. On 11.07.2025 defendant purchased above house property from plaintiff No. 1 vide sale-deed No. 3392 for consideration of Rs. 4,90,000/-. However, amount mentioned in sale-deed was never paid to plaintiff No. 1 by defendant. Defendant has taken disadvantage of old age and blur vision of plaintiff No. 1. Consent of other co-sharers was not obtained. He deceived the plaintiffs.

05. Learned advocate Shri. Hiremath argued that defendant is threatening plaintiff to dispossess her from the suit property. By taking disadvantage of alleged sale-deed, he is trying to create charge of the suit property. He has not paid single amount to plaintiffs. Plaintiff No. 1 is old age lady and defendant is hoodlum. There is apprehension that defendant may dispossess the plaintiffs from the suit property. It is necessary to grant Ex-parte ad-interim injunction.

06. As per Order XXXIV Rule 3 of the Code of Civil Procedure, the Court may grant an injunction without giving notice of the application to the opposite party, when it considers necessary that the object of granting injunction would be defeated by delay.

07. Herein this case, it is averred by the plaintiffs that they have not received amount of consideration from the defendant. Plaintiff is old age lady. Plaintiffs have also made complaints with police. Plaintiffs also sent notice to the defendant. Plaintiffs have also filed copy of account statement, etc. If defendant is succeeded in creating charge on the suit property, plaintiff will suffer irreparable loss and very purpose of filing of this suit will be frustrated. Hence, in my opinion, Ex-parte ad-interim injunction is necessary. Hence, I pass the following order -

**ORDER**

- (1) Application at Exh. 05 is allowed.
- (2) Ex-parte ad-interim injunction is granted till next date i.e. 30.10.2025.
- (3) Defendant is hereby temporarily restrained from creating charge on the suit property and from alienating suit property to third party till next date i.e. 30.10.2025.
- (4) Plaintiffs to comply provisions of Order XXXIX Rule 3 of the Code of Civil Procedure.
- (5) Emergent Process and Special Bailiff is allowed on payment of Bhatta.

Date :- 13.10.2025  
Ichalkaranji

(Akshay R. Kulkarni)  
4<sup>th</sup> Jt. Civil Judge (Junior Division),  
Ichalkaranji

### Certificate

I affirm that the contents of the P.D.F file judgment/order are same, word to word, as per the original judgment/order.

Name of Stenographer	Abhijit A. Kadam
Name of Court	Akshay R. Kulkarni 4 <sup>th</sup> Jt. C. J. J. D. & J. M. F. C. Ichalkaranji.
Date of Decision	13.10.2025
Order signed by the P.O. on	13.10.2025
Order uploaded on	13.10.2025