

MHKO050060962025



Devgonda Ganapati Yedekar
Vs.
Sivagonda Ganapati Yedekar

RCS No. 399/2025

ORDER BELOW EXH.5

- 01) Perused the application and heard Ld. Advocate for the plaintiff.
- 02) Read the plaint, application for temporary injunction under Order 39 Rule 1, 2 and affidavit filed in support of the application for temporary injunction.
- 03) Ld. Advocate for the plaintiff submitted that the plaintiff is in ownership and possession of suit property. The defendants are disturbing his enjoyment over the suit property and tried to dispossess him. It is submitted that the defendants even verbally and physically abused the plaintiff and he lodged FIR against the defendants. To support his claim, the plaintiff produced on record 7/12 extracts of the suit properties which shows that plaintiff is in possession of the suit properties, the partition deed, FIR lodged by plaintiff against the defendants in CR No. 333/2025 and order of the Court on Exh.5 application in RCS No.297/2021.
- 04) Ld. Advocate for the plaintiff submitted that RCS No.297/2021 is instituted by defendant against the present plaintiffs and the application for temporary injunction was rejected by the Court. He further submitted that the observations made by the Court regarding the suit properties in RCS No.297/2021 are also relevant in the present case. He submitted that as per the partition deed the suit properties are in possession and enjoyment of the plaintiffs. It is prayed that considering the grievance of the plaintiffs and violent nature of the defendants, ad-interim ex-parte temporary injunction be granted against the defendants.
- 05) Perused the material on record the plaintiff instituted the present suit for perpetual injunction against the defendants and also claimed a relief that the defendants be prohibited from dispossessing the plaintiff from the suit property. The FIR no. 333/2025 placed on record prima facie alleges that the defendants used criminal force against the plaintiff no.3 and caused grievous injury to him. The

7/12 extracts of the suit property shows that the plaintiffs are in possession and cultivation of the suit properties. Considering the apprehension of the plaintiffs, I am of the view that ad-interim ex-parte injunction can be granted to provide first aid relief to the plaintiffs. Hence, the following order;

ORDER

- 1) Ad-interim ex-parte temporary injunction granted against the defendants.
- 2) The defendants or any person relating to the defendants or their agent are restrained from disturbing possession of the plaintiff over the suit properties.
- 3) Issue show cause notices to defendants calling their say as to why ad-interim ex-parte temporary injunction not to be continued against them.
- 4) EP and SB is allowed (if prayed).
- 5) The plaintiffs are directed to comply with the provision under O.XXXIX R.3 (a) and (b) of Code of Civil Procedure within two day's from the date of this order and produced on record an affidavit of compliance on next date.

Date: 11/12/2025.
Place: Ichalkaranji.

Sd/-
(M.S. Gawade)
5th Jt. Civil Judge Junior Division,
Ichalkaranji.