

MHKO070000682020



**REGULAR CIVIL SUIT No. 18 / 2020**  
**Ashok Kadge and oth. Vs. Bapu Kadge and ano.**  
**ORDER BELOW EXH. 160**

Vide this application, plaintiffs are urging for issuing directions to the authorities of Datta Sugar Factory for taking away sugarcane from excess 12R. area out of Gut No. 965, and for that purpose appointing a Court Commissioner for conveying the sugarcane to the said sugar factory.

**02.** It is urged that the said sugar factory will stop intake of sugarcane on 28.03.2024 and therefore, there is extreme urgency in matter. This application is moved on affidavit.

**03.** Heard learned advocate Shri D. B. Patil for plaintiffs. Also perused record and proceeding.

**04.** The suit is for perpetual injunction and the suit property is the common access way used by plaintiffs and defendants to and fro their respective agricultural lands. Earlier, vide order on Exh.151 specific directions were given to convey the sugarcane of plaintiffs through the suit property. Now it is the version of plaintiffs that although area admeasuring 51R. is mentioned to be owned and possessed by plaintiffs out of Gut No. 965, infact there is excess land of 12R. in Gut No. 965 which is also in possession of plaintiffs and they intend to sell the said sugarcane crop yielded from said 12R. excess land. To support his contentions, plaintiffs have filed on record documents with list at Exh.162.

**05.** I have carefully considered the entire material on record. Although I found substance in the contentions of plaintiffs, I do not find it relevant to issue directions to the said sugar factory to receive the sugarcane crop out of said excess 12R. land, as it is the sole province of the sugar factory. Considering the same, suitable directions can be given to plaintiffs to cut their sugarcane crop in said 12R. excess land, convey it through the suit property and sell it to any prospective purchaser. At the same time, it is required to be taken into consideration that this exercise is being done only owing to the extreme exigency in the matter as well as most importantly without taking into consideration the version of defendants. Therefore, I am of the view that the abovesaid directions may be given and for that regard plaintiffs shall be directed to submit security to this Court. Accordingly, following order.

**ORDER**

1. Application is allowed in following terms.
  - i. Plaintiffs are at liberty to cut and convey the sugarcane crop from said 12R. excess land out of gut no. 965 ; and sell it to any prospective purchaser.
  - ii. Plaintiffs shall deposit an amount of Rs. 5,000/- for the purpose of security to which they will be entitled as per orders of this Court.

**( Anand D. Karbhajan )**

Place - Jaysingpur.  
Date - 27/03/2024

Joint Civil Judge Junior Division,  
Jaysingpur, Tal. Shirol, Dist. Kolhapur.