

MHKO070009782021



ORDER BELOW EXH.5 IN REG. CIVIL SUIT NO. 170/2021.

(Sangramsingh Rajput - Vs - Ashok Rathi and 3 oth.)

Vide this application plaintiff is requesting for temporary Injunction restraining defendant Nos. 1 to 6 from obstructing the peaceful possession of plaintiff over the suit property.

2] Perused the record and proceeding. Heard Learned Adv. Shri. E. G. Nadaf for plaintiff.

3] It is seen from record that plaintiff purchased the suit property vide registered Sale Deed dated 21/01/2021 and inducted into peaceful possession thereof. It is further contention of plaintiff that subsequent thereto, defendants started obstructing his peaceful possession over the suit property. Although, except oral contention of plaintiff, there is nothing on record to substantiate his said version, there is no doubt in my mind to hold that the plaintiff is having valuable rights in the suit property and those are at the stake at the hands and overt acts of defendants. Thus in order to safeguard the rights of plaintiff involved in the suit

property. I am of view that discretion can be exercised in favour of plaintiff. Thus the following order.

ORDER

1. Defendant Nos. 1 to 6 are hereby restrained from disturbing the peaceful possession of plaintiff over the suit property, till next date or appearance of defendants, whichever is later in point of time.
2. Plaintiff to comply provisions of Order XXXIX Rule 3 of Code of Civil Procedure.
3. Issue notice to defendants as to why the injunction as prayed shall not be granted, the notice made returnable on 30/09/2021.
4. E.B. & S.B. allowed if prayed.

Sd/-

(**Anand D. Karbhajan**)

Dt : 09.09.2021
Jaysingpur

I/c. 2Nd Jt. Civil Judge, Jr. Div. Jaysingpur.
Tal. Shirol, Dist. Kolhapur.

ORDER PASSED BELOW EXH 1

This is an appln under sec. 54 of cpc for sending the decree to collector for effecting the partition.

Vide decree datd 08/02/2021 passed in rcs no 160/2016, it is specifically instructed that decree be sent to the collector for effecting partition and allotment of separate shares of the parties out of suit properties. In the light thereof and seems all the suit properties involved in th proceedings are agricultural lands yielding revenue the government, I am of the view that there is no impediment to allow the appln. Accordingly follong order

- 1- appln is allotment
- 2- decree be sent to the Collector for effecting execution, partition and separate possession of the shares of the parties.
- 3- Proceeding is close.

This is an application under Sec. 54 of Code of Civil Procedure for sending the decree to Collector for effecting the partition.

2- Vide decree dated 02/05/2018 passed in rcs no 174/2013, it is specifically instructed that decree be sent to the collector for effecting partition and allotment of separate shares of the parties out of suit properties. In the light thereof and since the properties at Serial No. 1-A to 1-C out of the suit properties involved in the proceedings are agricultural lands yielding revenue the government, I am of the view that there is no impediment to allow the appln. Insofar as the suit property at Serial No. 1-D is concerned, the same is household property and there is no request by applicant of whatsoever nature. Accordingly following order

- 1- appln is allowed.
- 2- decree be sent to the Collector for effecting execution, partition and separate possession of the shares of the parties, out of suit properties at Serial Nos. 1-A to 1-C.
- 3- Proceeding is close.