

MHKO080001842026	<u>Order below Exh.5 in Misc. Civil Appeal</u>
	<u>No.14/2026</u>
	Shri. Krushna Santu Powar and Ors.
	Vs.
	Smt. Rupali Raghunath Powar and Ors.

1. The original plaintiffs have moved present miscellaneous civil appeal being aggrieved and dissatisfied by the Judgment and order passed by the Ld. Civil Judge, Junior Division, Ajara below Exh.5 dated 01/04/2026 in R.C.S. No.93/2025 whereby the Ld. Civil Court has rejected the application below Exh.5 moved by the plaintiffs.

2. Both the parties and their Ld. Counsels are present. Heard both of them. Perused the record. The plaintiffs have moved the regular civil suit bearing R.C.S. No.93/2025 for declaration and injunction seeking declaration that the attempt on the part of the defendants constructing activities in Grampanchayat property No.88/1 and 88/2 in Grampanchayat Mouje Chitale, Tal. Ajara, Dist. Kolhapur. The suit property is more particularly described in para 1 of the plaint. The plaintiffs have also sought perpetual injunction restraining the defendants from disturbing their possession over the suit property and also against the illegal construction.

3. Along with the plaint, the plaintiffs have also moved an temporary injunction application (Exh.5) which came to be rejected by the Ld. Civil Court after hearing both the parties on merits. Both the Ld. Counsels have filed latest photographs showing situation of the present construction in the suit property. The latest photographs uploaded by Ld. Counsel Shri. Dhananjay Desai are dated 03/05/2026. He submitted at

bar that, the position of the construction showing in the photographs filed by him is the latest position of the construction. It will take time to hear both the parties on merits and dispose of the miscellaneous civil appeal and therefore, in order to protect the rights of both the parties and the situation on record to be maintained as it is, therefore, further construction activities on the part of the defendants/respondents are required to be stayed till final disposal of the miscellaneous civil appeal. Hence, following order is passed -

Order

- 1) Application (Exh.5) is allowed.
- 2) The respondents (original defendants) are restrained from carrying out further construction activities as shown in the photographs uploaded today by them through their Ld. Counsel, Shri. Dhananjay Desai till final disposal of the main miscellaneous civil appeal.
- 3) Both the parties to cooperate the Court to dispose of the present miscellaneous civil appeal on merits at the earliest.
- 4) No order as to costs.

Gadhinglaj.
Date- 04/05/2026.

(M. A. Shinde)
District Judge-1,
Gadhinglaj.