


MHKO110018902025 	<u>ORDER BELOW Exh. 5 and 8 in</u> <u>R.C.S. NO. 218/2025</u> <u>Sadashiv Ramchandra Bhosale</u> <u>Vs.</u> <u>Subhash Pandurang Patil and Ors.</u>
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The plaintiff is praying for grant of ex-parte ad-interim injunciton/status quo against the defendants in order to prevent them from committing further construction upon the suit property.

02. Perused the record. Heard the learned advocate for the plaintiff.

03. The Ld. Advocate for the plaintiff submitted that, the plaintiff had purchased the suit property from the defendant no. 1 vide registered sale deed bearing no. 164/1999 on 11.01.1999. Since then he has ownership and possession over the suit property. The suit property is adjacent to Borpadale-Vathar public road. The defendant no.1 as per the sale deed had granted right of access to the plaintiff for approaching the public road situated on the northern side to the suit property. However, on 01.10.2025 at about 6.00 p.m. in the evening the defendants unloaded a truck full of bricks on the suit property. On inquiry by the plaintiff he learnt that the defendants are going to carry out construction on it. The defendants further threatened the plaintiff.

04. The Ld. Advocate for the plaintiff further argued that, after the filing of the suit on 09.10.2025 at around 3.00 p.m. to 6.00 p.m. the defendants with the help of JCB have cleaned the suit property and have dug out pits for erection of columns. The defendants by carrying

out construction upon the suit property are trying to obstruct the plaintiff's possession over it. The act of the defendants are such that they are causing obstruction to the plaintiff's possession and his right of passage through it. Hence, he prayed to allow the application.

05. The present suit is filed for Perpetual Injunction under section 37, 38 of the Specific Relief Act, 1963 and the Indian Easements Act, 1882 against the defendants. On perusal of the sale-deed (Sr. no. 1 at Exh. 3) it prima facie appears that, the plaintiff has purchased an area admeasuring 0 H 3 R out of property bearing Gat no. 556/B/2 situated at Pargaon, Tal. Hatkanangale, Dist. Kolhapur. However, for reasons unknown his name is not mutated to the 7/12 extract of the suit property. Further, on perusal of the photographs(Sr. No. 4 at Exh. 3) it appears that, there is vacant land in front of the house of the plaintiff. On perusal of the photograph(Sr. No. 1 at Exh. 7) the landed property in front of the plaintiff's house is cleaned.

06. The plaintiff in his pleadings has stated that, he has easementary right of access to the road situated on the northern side of the suit property. The defendants have threatened him. However, in support of his contention at this stage there are no documents on record to show that the defendants are trying to obstruct the plaintiffs way or possession over the suit property. Through the photographs it appears that the property is cleaned but it is not clear whether pits are dug up in the suit property for carrying out construction. At this stage, it is necessary to here the defendants before injunction can be granted against them. Whether the plaintiff is entitled for temporary injunction (Exh. 5), can be decided after hearing both the sides on merits.

07. At this stage, after giving a thoughtful consideration to the

documents produced on record it appears that, though there is urgency there is no exceptional factors and circumstances which warrant grant of *status-quo/ex-parte ad-interim injunction* order. Hence, having considered this aspect it is not desirable to order *ex-parte ad-interim injunction/status-quo* against defendants. Hence, in the interest of justice the following order is passed :-

ORDER

1.	The application below Exh. 8 is rejected.
2.	Issue show cause notice to the defendants as to why temporary injunction should not be granted against them returnable on 13/10/2025.
3.	E.P and S.B. allowed.

sd/-

(R. S. More)

3rd Jt. Civil Judge, Jr. Dn.,

Peth-Vadgaon

Date : 10/10/2025

Place: Peth-Vadgaon