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R.C.S. No. 39/2026

Piraso Hasan Naikavadi

(dead heirs) Vs.

Mirasab Babu Naikavadi &

Ors.

ORDER PASSED BELOW EXH. 05

(Dt. 13/03/2026)

1. Perused the application. Heard advocate Shri. D.B. Patil for the plaintiffs at sufficient length. Plaintiffs are present. Today, learned advocate for the plaintiff prayed for ex-parte interim injunction against the defendant and Status-quo with respect to the suit property as there is urgency in the matter.

2. Vide the present suit, plaintiff has prayed for the declaration and perpetual injunction against the defendants. More importantly, plaintiff has prayed for declaration with respect to the suit property as they are the owners of one half share of the suit property which is specifically described at paragraph no. 1 of the plaint and also the present application. Plaintiff prayed for the urgent relief as the defendants tried to demolish the wall existed between the plaintiff and defendant and threatened the plaintiff from ousting them from the suit property.

3. Furthermore, on perusal of the plaint it appears that the cause of action was arose on 11/02/2026, when the name of the plaintiff deleted vide M.E.No.221 and defendant tried to demolish the wall existed between plaintiff and defendant. Moreover, it further appears that earlier the name of the predecessors of the plaintiff was recorded at the property-card of the suit property alongwith defendants. Moreover, vide order dated 29/10/2024, the order of District Superintendent Land Record Kolhapur dated 19/09/2022 is set aside & accordingly names of the plaintiff was deleted from the property-card of

the suit property. Moreover, learned advocate for the plaintiff submitted that the plaintiff has challenged said order vide R.T.S. Second Revision Application No.640/2025. Plaintiff has filed on record various light bill and tax receipt. Moreover, said light bill bears the name of the plaintiff. But does not bear any reference of the suit property.

4. Furthermore, tax receipt bears house number of 407/3, 407/4 only. Assessment extract of suit property bears the name of the plaintiff. More importantly, admittedly earlier property-card of the suit property depicts the name of both plaintiffs and defendants. It is significant to note that the proceedings regarding the recording the names of the plaintiffs are conducted by appropriate authority and decided vide the detail order. Admittedly, the order dated 29/10/2024 in view of which entry of the plaintiff was deleted by the concerned authority is challenged by the plaintiff before appropriate forum/authority.

5. Considering all these factual aspect of the suit & present application, before passing any ad-interim/or ex-parte order, it will be better to hear the other side. Hence, issue show cause notice to the defendants as to why interim relief claimed against them should not be granted in favour of the plaintiff. R/o. 18/03/2026.

6. S.B. allowed if claimed.

Kagal.
Date: 13/03/2026.

(Smt. Pranita Suhas Patil)
Jt. Civil Judge Jr. Dn., Kagal.