

MHKO130002972026



IN THE COURT OF CIVIL JUDGE (JR.DN.), Kagal,
DIST. Kolhapur
(Presided Over by Ajit B. Madke)

R.C. S. No.42/2026

E-filing

Ratnakar Daulu Lohar Vs. Sanjay Bajirav Lohar etc.01

5]order below Exh. 5

1. By way of instant application Plaintiff has prayed to restrain the Defendant from carrying out construction and interfering with the peaceful possession of the Plaintiff over the suit property. Suit property is city survey No. 183 admeasuring 12.00 Sq.mt(lane) which is bounded as follows.

Towards the East- City Survey No. 178 owned by the Plaintiff,

Towards West – City Survey No. 182 owned by the Defendant,

Towards South – Road,

Towards North – City Survey No. 182 owned by the Defendant.

(here-in-after the above property shall be referred as ‘suit property’)

2. The Plaintiff has come out with the case that suit property is jointly owned by Plaintiff and Defendant. The documentary evidence in the form of revenue records clearly reveal that the suit property is jointly owned by the Plaintiff and Defendant. In spite of this factual position the Defendant by encroaching upon the part of the suit property owned by the Plaintiff is carrying out construction. If the Defendant is not restrained from interfering with the possession and carrying out further construction in the suit property it will cause greater hardship and irreparable loss to the Plaintiff.

3. Heard learned counsel for Plaintiff. Perused the record and documents on record.

4. On perusal of documents on record namely the property card

extract it reveals that the suit property bearing Gat No. 183 admeasuring 12.00 Sq.mt stands in the name of Bajirao Hari Lohar and Ratnakar Daulu Lohar i.e. the Plaintiff and Defendants jointly and it bears a remark it is ancestral in nature. These documents filed at Sr. No. 1 of Exh. 3. The Plaintiff has also filed the photographs of the suit property on record which shows that there is construction in progress. The document at Sr. No. 5 vide list at Exh. 3 is the map which shows the situation of suit property along with the City Survey No. 182 and City Survey No. 178 owned by the Plaintiff and Defendants.

5. Prima facie the Plaintiff has made out extraordinary circumstances for grant of ad-interim ex-parte injunction because if the the Defendant is not restrained from carrying out construction it will cause greater hardship and irreparable loss to Plaintiff as compared to the Defendant. The right of both the Plaintiff and Defendants are involved and the suit property prima facie appears to be joint in nature. If the Defendant is not restrained from carrying out construction it will also lead to multiplicity of proceedings. In such circumstances following order is passed.

<u>Order</u>	
1.	Defendants or their agents are restrained by temporary injunction from carrying out further construction and interfering with the possession of Plaintiff over part of suit property owned by Plaintiff till the appearance and filing of Written Statement.
2.	Plaintiff to comply order 39 Rule 3 of the Code of the Civil Procedure.
3.	Issue Show cause notice to the Defendants as to why the interim relief granted should not be confirmed returnable on 15/04/2026.
4.	This order be digitally signed and it shall be uploaded on the e-courts portal through Case Information System(CIS).
5.	Keeping in mind the spirit of e-filing, print out of this order is not taken. Hence physical hard copy of this order with my signature is not kept on record.
6.	Digitally signed order is available online on CIS and e-courts portal. Hence, if certified hard copy of this order is asked it shall be provided by taking print out of the digitally signed order available on CIS or e-courts portal.

7.	Since there is no provision in Civil Manual in regard to digitally signed order, concerned establishment is at liberty to retain print out of this digitally signed order on record, if so required.
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Kagal
Date:- 16/03/2026

(A.B.Madke)
Civil Judge Junior Division,
Kagal.