

MHKO130007442026



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

R.C. S. No.94/2026

E-filing

Sachin Laxman Janave Vs. Nana Joyti Kamble

order below Exh. 46

1. By way of instant application Plaintiff has prayed for the ad-interim relief in the form of temporary injunction to restrain the Defendants from alienating or creating any third party interest in the suit property till the final disposal of application below Exh. 5. It is submitted that Defendants have already filed their Vakalatnama in RCS No. 922/2025 which was earlier pending before the Court of Civil Judge Senior Division, Kolhapur. It is submitted that during the pendency of this suit Defendant No. 1 to 82 have illegally accepted Rs. 4,96,72,633/- from the Plaintiff and they are on the verge of alienating the suit properties. It is submitted that the Plaintiffs had also filed appeal from order bearing No. 17/2026 before the Hon'ble High Court Bombay, Circuit Bench at Kolhapur wherein the Hon'ble High Court vide its order dated 22/06/2026 had granted interim relief for a period of two weeks. It is submitted that if the Defendants alienate the suit property then it will lead to multiplicity of proceedings and cause irreparable loss.

2. Heard learned counsel for Plaintiff Shri. R.B. Gavade. Perused the record. On perusal of record it reveals that earlier RCS No. 922/2025 was instituted before the Court of Civil Judge Senior Division, Kolhapur. For mandatory and perpetual injunction. The learned Civil Judge Senior Division, Kolhapur vide its order dated 06/05/2026 below Exh. 1 had returned the plaint vide Order 7 Rule 10(1) of the Code of Civil Procedure for the presentation of this plaint before this Court. On perusal of the order it reveals that the Plaintiff was suppose to appear before this Court on 08/06/2026. On perusal of record it reveals that this Court has received the plaint on 23/06/2026. Thereafter the Plaintiff has filed application below

Exh. 46 on 04/07/2026. On the said application the Say of Defendants was called. It also reveals that the Defendant Nos. 2, 4 to 6, 8, 9, 12 to 15, 17, 18, 21, 27, 31, 33 to 35, 52, 65, 66, 68, 70, 71 and 75 have filed caveat before this Court. In view of caveat application No. 8/2026, the parties needs to be heard before passing any interlocutory order against them. Even otherwise there is neither any prima facie document or any material on record to show that any of the Defendants are on the verge of alienating the suit property. The Defendants needs to be heard in view of the circumstances of the present suit and application. No extraordinary circumstances made out for grant of interim relief in the absence of Defendants. Hence following order is passed.

<u>Order</u>	
1.	Issue notice to the Defendants as to why the interim relief as prayed should not be granted returnable on 13/07/2026.

Kagal
Date:- 06/07/2026

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