

Outward No. 191 /2026
Jt.Civil Judge Junior Division,
Panhala, Dist. Kolhapur.
Date: 06/04/2026.

To,

**The Hon'ble Deputy Registrar, (Civil),
Hon'ble High Court Of Judicature at Bombay,
Circuit Bench at Kolhapur.**

Through: The Hon'ble Principal District Judge, Kolhapur.

Subject : Compliance of the Hon'ble High Court Civil
Writ Petition No.12207 of 2025, Order dated
19/11/2025 (in the R.C.S. No.58 of 2025.)

Reference: The Hon'ble High Court Writ D.D.(W.P.)
No. C1103031 of 2026 dated 01/04/2026.

Hon'ble Sir,

With reference to the subject noted above, it is Most respectfully submitted that the above referred writ is received by this Court on 06th April 2026. Note of the order passed by the Hon'ble High Court Civil Writ Petition No.12207 of 2025, Order dated 19/11/2025. is taken in the relevant register of Regular Civil Suit No. 58 of 2025 as per the order. Submitted with utmost respects.

o/c
Yours faithfully,

(K.D.Kakatkar)

Jt.Civil Judge Junior Division,
Panhala, Dist. Kolhapur

Encl.-: Original Writ Petition No.12207 of 2025, Order dated 19/11/2025.

Joint-civil

Email: decree.kop@bhc.gov.in

D.D. (W.P) No. : C110 3031 /2026

Dated : 01 / 4 / 2026

From,

Shri. Dilip R. Talekar,
Deputy Registrar
Decree Department,
High Court, Bombay,
Circuit Bench at Kolhapur.

High Court writted No E.I. No. 85
of 2024 दिनांक 06/04/2026

सहायक अधीक्षक

To,

1) The Jt. Civil Judge,
Junior Division, Panhala,
Dist. Kolhapur.
(Order below Exh. 26 in Regular Civil
Suit No. 58 of 2025 dtd. 18/09/2025.)

**Subject: Communication of directions and orders of the
Hon'ble High Court.**

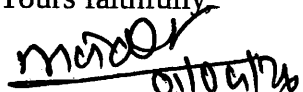
**Ref. : High Court Civil Writ Petition No. 12207 of 2025
Order dated 19/11/2025**

Sir/Madam,

Apropos the subject, I am under directions to forward herewith the copy of the Order, under reference dated 19/11/2025 of High Court (**CORAM: S. G. CHAPALGAONKAR, J.**) which is self explanatory.


I am, therefore, to request your goodself to kindly take note of the aforesaid Order, & make necessary compliance. This is for your information and necessary action.


Yours faithfully



Deputy Registrar

Encl: As Above. 0

RKB

C. C to take note
of compliy

5/4/26

Note taken

Jb-Ilesh

Seen

A.S. 6/4/2026

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12207 OF 2025

Dagdu Damaji Kamble & Ors. ... Petitioners
V/s.
Subhash Shripati Kamble ... Respondent

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2025.11.19
17:25:19 +0530

Mr. Tehjeej A. Nadaf for the petitioners.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 19, 2025

PC.:

1. Petitioners impugn order dated 18th September 2025 passed by Civil Judge, Junior Division, Panhala below Exhibit 26 in Regular Civil Suit No.58 of 2025, whereby an application filed by petitioners/original defendants under Order XXXIX Rule 7 of Civil Procedure Code, 1908 has been rejected.

2. Petitioners are defendants in Regular Civil Suit No. 58 of 2025. The respondent instituted said suit seeking a decree of perpetual injunction against defendants. It is contention of the plaintiff that he has purchased suit property from original owner. Thereafter, he dug borewell, installed an electric motor pump, and

has been cultivating various crops. However, defendants are raising disputes and causing obstruction to his peaceful possession. The defendants caused their appearance and refuted claim of plaintiff, and denied that plaintiff is in possession of suit property. In this background, defendants filed an application under Order XXXIX Rule 7 of Civil Procedure Code, 1908, seeking appointment of a Court Commissioner to bring on record position on the spot at lands Gat Nos. 3 and 4. It is contention of defendants that plaintiff is relying upon false evidence and he has neither constructed a well nor way to approach suit land.

3. The Trial Court, after considering rival contentions, rejected petitioners' application by impugned order dated 18th September 2025.

4. Mr. Nadaf, learned advocate appearing for petitioners, submits that petitioners are in possession of property. So-called sale deeds relied upon by plaintiff were not transactions of sale. The plaintiff has never constructed any well in the suit land but trying to create false evidence. Therefore, inspection of land through Court Commissioner is necessary.

5. The Trial Court observed that provisions under Order XXXIX

Rule 7 of Civil Procedure Code, 1908 cannot be invoked for reasons as stated in application.

6. Apparently, plaintiff has filed a suit seeking a perpetual injunction against defendants. He relied upon a copy of sale deed and 7/12 extract in respect of property. The entry as to borewell appears in 7/12 extract. Similarly, contents of the sale deed depict existence of an approach road. Even otherwise, it is for the plaintiff to prove his possession over suit property. In this background, there is no reason to appoint a Court Commissioner in exercise of powers conferred under Order XXXIX Rule 7 of Civil Procedure Code, 1908.

7. In this background, no jurisdictional error can be found in impugned order. In result, writ petition sans merit, hence rejected.

8. Pending interlocutory application(s), if any, stand disposed of.

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(S. G. CHAPALGAONKAR, J.)