

Order  
Issue suit summons to the defendants to appear and  
answer the claim by filing Written Statement of his defense,  
if any, within 30 days from date of service of summons and for settlement of issues  
and to produce all documents in his possession of power, vide VIII Rule 1 & 1A of  
the code of Civil Procedure, 1908 returnable on dtd. 16/ 03/2026.

Exh. 1/B

Dt 27-2-26

CJD,Radhanagari  
27-2-26

**IN THE COURT OF HON'BLE CIVIL JUDGE JUNIOUR  
DIVISION, RADHANAGARI,  
AT RADHANAGARI**

**R.C.S No. 22 /2026**

**1. Shri Vijay Ramchandra Nakate,**  
Age 55 years, Occupation Electrician,  
R/o. CTS no. 40, Village Rashiwade Budruk,  
Subdistrict Radhanagari  
District Kolhapur 416211,

**2. Sou. Vidya Vijay Nakate,**  
Age 50 years, Occupation Household,  
R/o. CTS no. 40, Village Rashiwade Budruk,  
Subdistrict Radhanagari  
District Kolhapur 416211,

**3. Shri Nishant Vijay Nakate,**  
Age 25 years, Occupation Service,  
R/o. CTS no. 40, Village Rashiwade Budruk,  
Subdistrict Radhanagari  
District Kolhapur 416211,

**..... Plaintiffs**

**Assistant Superintendent**  
Civil Court, Sr. Dn., Kolhapur

**Versus****1. Shri. Rajkumar @ Satappa Laxman Nakate,**

Age 60 years, Occupation Business,

R/o. Village Kale, Bazar Peth,

Subdistrict Panhala,

District Kolhapur 416205,

**2. Shri. Rangrao Laxman Nakate,**

Age 63 years, Occupation Business,

R/o. CTS no. 10, Village Rashiwade Budruk,

Subdistrict Radhanagari

District Kolhapur 416211,

**3. Shri. Pratiraj Rangrao Nakate,**

Age 31 years, Occupation Business,

R/o. CTS no. 10, Village Rashiwade Budruk,

Subdistrict Radhanagari

District Kolhapur 416211,

**4. Shri. Shrishailya Rangrao Nakate,**

Age 25 years, Occupation Business,

R/o. CTS no. 10, Village Rashiwade Budruk,

Subdistrict Radhanagari

District Kolhapur 416211,

**5. Sou. Madhuri Rangrao Nakate,**  
 Age 60 years, Occupation Household,  
 R/o. CTS no. 10, Village Rashiwade Budruk,  
 Subdistrict Radhanagari  
 District Kolhapur 416211,

**6. Shri. Nandkumar Krushna Nakate,**  
 Age 65 years, Occupation Retired,  
 R/o. Bhat-Jangam Galli, Near Lake,  
 Village Rashiwade Budruk,  
 Subdistrict Radhanagari,  
 District Kolhapur 416211,

**7. Shri. Shekhar Ashok Lambe,**  
 Age 45 years, Occupation Farmer,  
 R/o- Nagaon, Subdistrict Hatkanangale,  
 District Kolhapur 416122.

.... Defendants

**Simplicitor suit for Permanent Injunction based  
 on title u/s 34 of the Specific Relief Act, 1963 read  
 with sections 94(e) and 168 of the Code of Civil  
 Procedure, 1908**

.....

**Valuation of the suit Rs. 2000/- for the purpose  
 of Jurisdiction and Court Fees**

.....

**The plaintiffs do hereby submit their plaint as below:**

1. Description of the suit properties:

A. The piece and parcel of the property situated in village Rashiwade Budruk, Subdistrict Radhanagari, District Kolhapur bearing CTS no. 40 admeasuring 76 sq.ms. in the boundaries as below:

Towards the East: Suit property no.1B,

Towards the West: CTS no. 41, belonging to defendant no. 6 etc,

Towards the North: CTS no. 92 belong to Shri. Rajendra Shripati Tapekar,

Towards the South: Grampanchayat road.

The property situated in the above boundaries along with the existing house and open space and all ingredients therein is the suit property and called 'the suit property no. 1A' herein below.

B. The piece and parcel of the property situated in village Rashiwade Budruk, Subdistrict Radhanagari, District Kolhapur bearing CTS no. 39 admeasuring 9.9 sq.ms. in the boundaries as below:

Towards the East: CTS no. 38, owned by Shankar Nakate and family towards his East defendant no.7,

Towards the West: Suit property no. 1A,

Towards the North: CTS no. 92 belong to Shri. Rajendra Shripati Tapekar,

Towards the South: Grampanchayat road.

The property situated in the above boundaries along with the existing private lane, open space and all ingredients therein is the suit property and called 'the suit property no. 1B' herein below.

2. The residents of CTS no. 38, Towards the West are as follows: 1. Gouri Dhondiram Nakate Age 31 years, 2. Dhondiram Shankar Nakate age 35, 3. Son Ojas Dhondiram Nakate Age 4, 4. Sou. Shobha Shankar Nakate age 55, 5. Shankar Sadashiv Nakate age 67, 6. Sou. Mangal Shankar Nakate age 59, 7. Akshay Shankar Nakate age 31 years.

3. The CTS no. 39 is a private road owned by deceased Ramchandra Nagappa Nakate through heirs, 1. Son Vijay Ramachandra Nakate age 55 (Plaintiff no. 1), and other joint owners are 2. Shobha Shankar Nakate (HUF manager), 3. Shekhar Ashok Lambe (Defendant no. 7), The private road has been continuously used for generations between the owners and occupiers of CTS number 38 and 40. The defendants have nothing to do with, have no right over the suit property no. 1A and 1B, except the common right of defendant no.7 over suit property 1B.

4. (The plaintiff no. 1) Vijay resides in CTS no. 40 with his family, wife Vidya Vijay Nakate age 50 years (the plaintiff no. 2), son Nishant Vijay Nakate age 25 years (the plaintiff no 3). The two daughters of plaintiff no.1 are married and living in their marital homes. Plaintiff no. 1 owns the suit property CTS no. 40 with Shantinath Ramchandra Nakate through heirs Sangita Shantinath Nakate, Sandip Shantinath Nakate, Sachin Shantinath Nakate. The heirs of Shantinath Ramchandra Nakate

reside in Indira Nagar, in the same village. The plaintiff no. 1 also shares ownership in the suit property with Malubai Malappa Minache. Malubai is deceased. Her family resides at Yedur-Manjari, Subdistrict Chikodi, District Belagavi. In other words only the family of plaintiff occupy the suit property and has easementory right and part ownership in CTS no. 39, the suit property no. 1B.

5. The plaintiffs have their own toilet in suit property 1A constructed by Vijay and his family from their own funds. In some year may be in 2007 the accused persons requested Vijay to use the toilet of Vijay for some days for their family.

6. The defendant no. 1 resides 30km away from Rashiwade Budruk in Shukravar Peth, Kolhapur near Panchganga River, with his class II government officer wife. The defendant no. 1 since long also resides at the address given in the title. The defendant no.1 is a vagabond. Defendant no.1 is in connection with many criminals and politicians. Defendant no. 1 actually does no permanent business but sometimes sells bran in Kale market. For no point of time from the birth of the defendant no. 1 the defendant no. 1 was residing at Rashiwade Budruk.

7. The defendant nos. 2, 3, 4 and 5 resides away from the suit properties, at the address given in the title above in CTS no. 10.

8. The defendant no. 6 is a co-owner in the CTS no. 41, but resides with his family at the address given above in Bhat-Jangam Galli.

9. The defendant no.7 resides in the address given in the title on national highway 4 in Nagaon.

10. The plaintiffs again reiterated that, the defendants have nothing to do or have no right of any kind over the suit property 1A and 1B, except the defendant no. 7 as mentioned above.

11. On humanity grounds and for the sake of the neighbourhood the father of plaintiff no. 1 Ramchandra permitted the father of the defendant nos. 1 and 2 only to show the record of use of the toilet so that the father of the defendant nos. 1 and 2 Laxman residing in CTS no. 10 could get sanction from Grampanchayat for building his own toilet in CTS no. 10. Neither Plaintiff no.1 nor any one of the owners of CTS No. 40 at any point of time gave permission to the defendants to use the toilet for their own purpose.

12. In the meantime the defendant no. 7 endorsed some unknown power of attorney to the defendant no. 3. The defendant no.7 has only the common ownership right in the suit property 1B. The defendant has no easementary right over the suit property 1B. Rather the defendant no. 7 do not need any easementary in suit property 1B to enjoy his part of CTS no. 38. Although the defendant no. 3 tried to enter the suit property 1A trespassing the suit property 1B, in the month of July 2025.

  
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13. The defendants started harassing the plaintiffs by adopting various illegal ways. The defendants have also prepared some fake Vatanipatra showing date of execution in year 1969, but have clearly failed to show when it was acted upon. It is specially stated and submitted by the plaintiffs that, for the sake of arguments, the alleged Vatanipatra never took place and if took place never acted upon by any party. It is further stated for the sake of arguments that, the alleged Vatanipatra has lost its force by the efflux of time.

14. Knowing full well the legal position, the defendants continued harassing the plaintiffs by various ways. Many villagers and neighbours tried to stop the defendants from creating the nuisance against the plaintiffs. The defendants started harassing the other villagers and neighbours also. The neighbours and the neighbourhood relatives of the plaintiffs filed police complaints on various occasions of harassment.

15. In these premises taking disadvantage of the situation on paper only the defendants started harassing the plaintiffs and their neighbours and also started creating disturbance in construction work started by the plaintiffs. For the purpose of starting construction the plaintiffs applied for a survey from the city survey office which was seriously obstructed by the defendants. The obstruction was criminal and pre-planned. The obstruction was done with a heavy preparation to commit a crime. The serious crime was committed by the defendants against the plaintiffs as well as against Gouri Dhondiram Nakate, Sandip Shantinath Nakate, Priti Santosh Nakate, Ananda Bapuso Nakate, Shobha Shankar Nakate,

Megha Ananda Nakate. The defendant no. 1 attempted to murder Gouri Dhondiram Nakate. The crime is registered wide FIR no. 0390/2025, dated 18/12/2025.

16. After the sanction of grampanchayat for construction in suit property 1A in July 2025 the defendants started committing crimes against the plaintiffs and their neighbours since then. Before the defendants committed the crime they have wrongfully, illegally and by misguiding and misinforming obtained an ex-parte stay order on 17/12/2025 to the survey, by filing RTS Appeal no. 443/2025 before the District Superintendent of Land Records, Kolhapur. The next appointed date in the matter is 21/01/2026. The learned SLR has substantially exceeded its jurisdiction while granting the stay.

17. On 18/12/2025 at about 10.00 am there was a survey of suit property 1A through survey officer Pramod Patil and assistant Atul Deokar. The survey officer reached the spot by 11.30 am. The notices of the survey were issued only to the concerned 7 parties. The survey officer started the survey on 11.35 am and the crime registered vide reference no. 3 that is FIR no. 390/2025 took place.

18. The defendant no. 1 along with the other defendants attempted to murder the Gouri, with intention to create terror. Hundreds of villagers were present at the time of the crime. Gouri was saved because of the villagers and the attempt to murdering Gouri failed.

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19. Defendant no. 6 and 7 were not present at the time of the offence. But they are part of the conspiracy. But on the other occasions of disturbance and obstructions to the plaintiffs the defendant no. 6 and 7 have equally participated.

20. In these premises this has become difficult for the plaintiffs even to conduct a private or government survey in the suit property 1A. This has also become very much difficult for the plaintiffs to stop trespassing the complainants in the suit property 1B. Therefore the plaintiffs are constrained to file this suit for:

- A. The grant of permanent/perpetual injunction against the plaintiffs or persons on behalf of the plaintiffs restraining them from disturbing long and peaceful possession of the plaintiffs in the suit property 1A,
- B. The grant of permanent/perpetual injunction against the plaintiffs or persons on behalf of the plaintiffs restraining them from trespassing in the suit property 1B,
- C. The grant of other reliefs of the kind.

**21. Cause of Action:** The cause of action first arose when the defendants started disturbing the peaceful possession of the plaintiffs since 2025, it was continued next when the defendants further started harassing also the neighbours of the plaintiffs, it was further continued on 18/12/2025 when the crime under FIR no. 0390/2025 took place, it was continued on 20/12/2025 when the illegal stay order of learned SLR was served upon the plaintiffs, and the cause of action is continuous till filing of this suit before this Hon'ble Court of competent jurisdiction.

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**22. Particulars of the suit**

<b>Rupees</b>	<b>Particulars</b>
1,000/-	As the suit is for permanent injunction
1,000/-	As the suit is for permanent injunction
.....	
2,000/-	Total Rupees

**23. Valuation of the suit:** The suit is valued at rupees 2,000/- only for the purpose of jurisdiction under section 7 and 8 of the Suits Valuation Act, 1887 and under section 6(iv)(j) of the Maharashtra Court Fees Act, 1959.

**24. Limitation:** The cause of action lastly arose on 20/12/2025 and continuous till today, the filing of the suit. Therefore the suit filed today is well within limitation.

**25. Jurisdiction:** The suit properties are in the local limits of the jurisdiction of this Hon'ble Court i.e. in Subdistrict Radhanagari. The plaintiffs reside and the defendant nos. 2, 3, 4, 5 and 6 reside in the local limits of this Hon'ble Court. The cause of action took place in the jurisdiction of this Hon'ble Court. Therefore this Hon'ble Court have jurisdiction to try and finally decide this suit.

**26. No other cases:** No case is pending in any court in India, regarding this subject matter and cause of action.

**27. PRAYER**

In these premises this is respectfully prayed by the plaintiffs that,

A. The grant of permanent/perpetual injunction against the plaintiffs or persons on behalf of the plaintiffs restraining them from disturbing long and peaceful possession of the plaintiffs in the suit property 1A,

B. The grant of permanent/perpetual injunction against the plaintiffs or persons on behalf of the plaintiffs restraining them from trespassing in the suit property 1B,

C. Permission may kindly be granted to amend, alter, modify or add this application, if necessary.

D. Other reliefs of the kind may kindly be given in favour of the present plaintiffs.

**HENCE THIS PLAINT.**

**Radhanagari**

**Indian Solar Date**

8 10th Magh 14234

**English Date**

30th January 2026

*VR Narkar*  
(Plaintiff no.1)

*विद्या विद्या मठ*  
(Plaintiff no.2)

*Dikant*  
(Plaintiff No.3)

VERIFICATION

We, the plaintiffs do hereby solemnly affirm on oath that, whatever stated in the above plaint is true and correct to best of our knowledge and belief.

Hence this Verification.

**Radhanagari**

**Indian Solar Date**

10th Magh 14234

**English Date**

20th January 2026

*VR Nakate*  
(Plaintiff no.1)

*विद्युत विद्युत सेवा*  
(Plaintiff no.2)

*Nakate*  
(Plaintiff No.3)

Drafted, pleaded and presented by

*R. S. Ghatge*  
*Ash*  
(R. S. Ghatge) Advocate

AFFIDAVIT

I, the plaintiff no. 3 Shri Nishant Vijay Nakate, Age 25 years, Occupation Service, R/o. CTS no. 40, Village Rashiwade Budruk, Subdistrict Radhanagari, District Kolhapur 416211;

*S*  
Assistant Superintendent  
Civil Court, Sr. Dn., Kolhapur

do hereby solemnly affirm on oath that, whatever stated in the above  
plaint and verification is true and correct to best of my knowledge and  
belief.

Hence this Affidavit.

~~Radhanagari~~ Kolhapur.

Indian Solar Date

10th Magh 14234

English Date

30th January 2026

*Dishant*

(Plaintiff No.3)

I know the deponent.

*T.R. Ghatge Adv.*

(T. R. Ghatge) Advocate

VERIFICATION

I, the plaintiff no. 3 do hereby solemnly affirm on oath that, whatever  
stated in the above plaint, verification and affidavit is true and correct  
to best of my knowledge and belief.

Hence this Verification.

~~Radhanagari~~ Kolhapur

Indian Solar Date

10th Magh 14234

English Date

30th January 2026

*Dishant*

(Plaintiff No.3)

Solemnly Affirmed before me by  
Shri. *Mishant Vijay Nakate*  
of *Roshiwade bn/19, Fudh...* is  
identified by Shri. *Adv. R. S.*

*Ghatge* whom I know personally  
Dated :- *30-1-26*  
*[Signature]*  
20-1-26  
Assistant Superintendent