

Order

Perused the application and documents filed in support of the application. Advocate for plaintiff is present. I am of the view that, before granting Ex-parte ad-interim injunction, opportunity of being heard needs to be given to the defendants. Therefore, issue show-cause notice to defendant as to why interim injunction should not be granted returnable on dtd. 27/02/2026.  
The facility of special bailiff and E.P. if prayed be granted.

Exh. 5/D

Dt 27-2-26

CJJD, 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

APPLICATION FOR TEMPORARY  
INJUNCTION

(U/O XXXIX Rules 1 & 2 r/w Section 94(e),  
151 CPC)

.....

Assistant Superintendent  
Civil Court, Sr. Dn., Kolhapur

**The plaintiffs do hereby submit their application for temporary injection 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.

Assistant Superintendent  
Civil Court, Sr. Dn., Kolhapur

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. That the plaintiffs have filed the present suit for permanent injunction in respect of Suit Property No. 1A (CTS No. 40) and Suit Property No. 1B (CTS No. 39 – private road) more particularly described in the plaint.

3. That the plaintiffs are lawful owners, co-owners and persons in settled, peaceful and continuous possession of Suit Property No. 1A, along with easementary and part ownership rights in Suit Property No. 1B, which is a private access lane used for generations.

4. That the defendants have no right, title or interest whatsoever in Suit Property No. 1A or Suit Property No. 1B, except Defendant No. 7 to the limited extent of common ownership in CTS No. 39, without any right of trespass or interference.

5. That despite having no legal right, the defendants, acting jointly and in conspiracy, have started unlawfully interfering with the peaceful possession of the plaintiffs, obstructing lawful survey, construction activities and ingress-egress, and have attempted to forcibly trespass upon Suit Property No. 1A by passing through Suit Property No. 1B.

6. That in July 2025, Defendant No. 3 attempted to illegally enter Suit Property No. 1A by trespassing through Suit Property No. 1B, which was resisted by the plaintiffs.

7. That the defendants have fabricated and are relying upon a false and unacted alleged Vatanipatra of the year 1969, which has never been

acted upon, has lost its legal force by efflux of time, and confers no enforceable right in favour of the defendants.

8. That the defendants have escalated the dispute by criminal acts, threats and violence. On 18/12/2025, a serious offence including attempt to murder was committed by Defendant No. 1 and others, which is registered as FIR No. 0390/2025, Police Station Radhanagari.

9. That the defendants, with mala-fide intention, have also obtained an ex-parte and illegal stay order from the District Superintendent of Land Records in RTS Appeal No. 443/2025, far exceeding jurisdiction, only to frustrate lawful survey and possession of the plaintiffs.

10. That due to continuous threats, obstruction and criminal intimidation by the defendants, it has become impossible for the plaintiffs to enjoy their property peacefully, carry out lawful construction, or even conduct a government survey.

11. That the acts of the defendants squarely attract the provisions of Order XXXIX Rule 1(a), (b) and Rule 2 CPC, as: There is a serious threat of dispossession, There is a real danger of continuing trespass, There is likelihood of irreparable injury, and The defendants are attempting to change the status quo by force.

12. PRIMA FACIE CASE: The plaintiffs have a strong prima facie case based on: Title documents and settled possession, Long-standing use and ownership of CTS No. 40, Easementary and joint rights in CTS No. 39, Absence of any lawful right in favour of the defendants.

13. BALANCE OF CONVENIENCE: The balance of convenience lies entirely in favour of the plaintiffs, as: Plaintiffs are residents and occupants of the suit property, Defendants reside elsewhere and suffer

no prejudice by restraint, Any interference would cause irreparable disruption to plaintiffs' life and safety.

14. IRREPARABLE LOSS & INJURY: If temporary injunction is not granted: Plaintiffs will face irreparable injury, Lawful possession will be disturbed by force, Multiplicity of proceedings and further criminal incidents will arise, Monetary compensation will not be an adequate remedy.

14. STATUS QUO: The status quo as on the date of filing of the suit deserves to be protected, as the defendants are attempting to create a fait accompli through intimidation and violence.

**15. PRAYER:**

**In these circumstances, the Plaintiffs humbly pray that this Hon'ble Court may be pleased to:**

- A. Grant a temporary injunction restraining the defendants, their agents, servants or any person claiming through them from disturbing the peaceful possession of the plaintiffs over Suit Property No. 1A (CTS No. 40) till final disposal of the suit;
- B. Grant a temporary injunction restraining the defendants from trespassing upon or interfering with Suit Property No. 1B (CTS No. 39 – private road) in any manner, in terms of prayer Clause "A" above;
- C. Restrain the defendants from obstructing any private or government survey, construction activity or ingress-egress of the plaintiffs, in terms of prayer Clause "A" above;
- D. Grant ad-interim ex-parte relief in terms of prayers (A) to (C);
- E. Pass any other just and equitable order in the interest of justice.

  
Assistant Superintendent  
Civil Court, Sr. Dn., Kolhapur

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

**HENCE THIS APPLICATION.**

**Radhanagari**

**Indian Solar Date**

19th Magh 14234

**English Date**

30th January 2026

VR Narkate  
(Plaintiff no.1)

विद्या विनय लेखक  
(Plaintiff no.2)

Nishant  
(Plaintiff No.3)

VERIFICATION

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

Hence this Verification.

**Radhanagari**

**Indian Solar Date**

19th Magh 14234

**English Date**

30th January 2026

VR Narkate  
(Plaintiff no.1)

विद्या विद्या नारायण

(Plaintiff no.2)

Nishant

(Plaintiff No.3)

Drafted, pleaded and presented by

(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; do hereby solemnly affirm on oath that, whatever stated in the above application 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

Nishant

(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 application, 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

*Nishant*

(Plaintiff No.3)

Solemnly Affirmed before me by  
Shri. Nishant Vijay Mahate ye 25  
of Ashiwade (4) Pt. Radhanagari who is  
identified by S. Adm. R.S.  
Anatya whom I know personally  
Dated :- 30-1-26  
*[Signature]*  
Assistant Superintendent