


<u>MHKO190002512022</u> 	<u>ORDER PASSED BELOW EXH.17</u> <u>IN</u> <u>R.C.S No.107/2022</u> <u>Balwant Sadashiv Patil Vs. Babasaheb</u> <u>Sadashiv Patil, etc.1</u> <u>(Date:24/11/2022)</u>
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1. Defendants filed counter claim at Exh.15 for the relief of perpetual injunction against the plaintiff. This application is moved on behalf of defendants under Order-XXXIX of Rule 1 and 2 of the Civil Procedure Code to grant the relief of temporary injunction restraining plaintiff from causing an obstruction to the construction stated by defendants over following description of land:

Description of Land:-

Land bearing No.900 admeasuring H 0.11 R situated at village Chandre, Tal. Radhanagari, Dist. Kolhapur. The construction has been started over the open space between Grampanchayat House property No.508 and Grampanchayat House property No.510, which is part and parcel of land bearing Gat No.900.

2. The plaintiff opposed this application filing reply at Exh.18. The plaintiff filed an application below Exh. 5 for the grant of temporary injunction which came to be rejected by passing detailed order.

3. The pleading of both parties are appears to be similar in their applications and say filed thereon. In view of findings recorded in the order passed below Exh.5 the court come to conclusion that defendants have rebutted the presumption of registered relinquishment deed by prima-facie adducing evidence. The defendants have been started construction over

suit property. The prima facie case, balance of convenience and irreparable loss are in favour of defendants. Hence following order will be proper.

- ORDER-

1. Application below Exh. 17 is hereby allowed.
2. The plaintiff is hereby temporarily restrained from causing an obstruction to the construction of house started by defendants in between Grampanchayat house property bearing No.508 and 510 situated at Gat No.900 at village Chandre, Tal.Radhanagari, Dist. Kolhapur till disposal of suit.

Date:24/11/2022

(S. G. Shinde)
Civil Judge Junior Division,
Radhanagari.