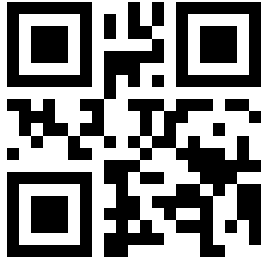


<p>MHKO190008212025</p> 	<p><u>ORDER BELOW EXH.6 IN</u> <u>R.C.S. No. 199/2025</u> <u>(Mhatu Govinda Kamble Vs Sarjerao</u> <u>Ananda Kamble)</u> <u>DATE : 26/11/2025</u></p>
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The plaintiff has filed the present application under Order XXXIX Rule 3 of Code of Civil Procedure (in-short CPC) seeking relief of ex-parte ad-interim injunction to restrain the defendant from carrying out construction.

2. Block No. 47, plaintiff's area of 8 R out of total H 0.42.00 R, comprising of house property bearing Grampanchayat No. 259/1 and open space at Mhasurli, Taluka. Radhanagri, Dist. Kolhapur is the subject matter of the suit (hereinafter referred to as 'suit property').

3. The plaintiff submitted that, the suit property was purchased by their predecessor late Mhatu by registered sale deed bearing no. 1671/1996. However, defendant No. 1 has started constructing a house in suit property. Defendant no. 1 has no lawful right in the suit property. If the application is not allowed, he would complete the construction expeditly. Hence he prayed to allow the application.

4. Perused the record. Heard Ld. Advocate for the plaintiff. Considered the submissions.

5. The 7/12 extract (Exh. 3/1) of suit property bears names of the plaintiffs. The Photographs at Exh. 8/1 prima facie show on going construction in the suit property. Further photocopy of registered sale deed bearing no. 1671/1996 prima facie supports the contention of the plaintiff that his predecessor late Mhatu had purchased the suit property. Therefore considering the documents on record, it prima facie appears that the plaintiffs are the lawful owners of suit property. Hence, if the application is not allowed at this juncture, the object of institution the suit itself would be defeated. Therefore, at present, it is necessary to protect the suit property from changing its nature. If not done so in the given facts and circumstances of the case, the object of granting injunction would be defeated by delay. Hence, the application deserves to be allowed. In result, the following order is passed:

ORDER

1. The application (Exh. 6) is allowed.
2. By way of an *Ex parte ad-interim* injunction the defendant No. 1 is restrained from carrying out construction in the suit property till filing his say to the application at Exh. 5.
3. The plaintiff shall comply provisions of Order XXXIX Rule 3(a) of the Civil Procedure Code, 1908.

sd/-

Radhanagari

(N. P. Kakade)

Date : 26/11/2025

Jt. C. J. J. D., Radhanagari.