


<p>MHKO190008802025</p> 	<p><u>ORDER BELOW EXH. 6 IN</u></p> <p><u>R.C.S. No. 219/2025</u></p> <p><u>(Arun Sakharam Chougale Vs. Maruti</u></p> <p><u>Bhau Sapkal)</u></p> <p><u>DATE : 20/12/2025</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. 1006/A total admeasuring H 3.87.00 R area, our of total area, open space measuring H 0.01.50 R currently bearing Grampanchayat property No. 1128 at Thikpurli Tal. Radhanagari, Dist. Kolhapur is the subject matter of the suit (hereinafter referred to as 'suit property').

3. The plaintiff submitted that, suit property is in the name of their father. Their father died on 20/08/2016 while their mother died on 07/07/2024. Plaintiffs are residing at Nipani due to their work. However, taking undue advantage of this fact, defendant has started construction in the suit property. Hence, they prayed to allow the application.

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

5. The plaintiffs have instituted the present suit for the relief of permanent injunction. The 7/12 extract (Exh.3/1) of

suit property *prima facie* show that the suit property is owned by father of plaintiffs. Tax assessment record of Grampanchayat property No. 1128 (Exh. 3/2) also bears name of plaintiffs father. Further, the photographs at Exh. 3/3 and 3/4 *prima facie* support the plaintiff's allegation regarding commencement of construction. Hence, if the application is not allowed at this juncture, the object of institution the suit itself would be defeated. Therefore, at this juncture, 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. By way of an *Ex parte ad-interim* injunction the defendant is restrained from carrying out construction in the suit property till filing say of defendant to the application at Exh.5.
2. The plaintiff shall comply provisions of Order XXXIX Rule 3(a) of the Civil Procedure Code, 1908.

Sd/-

Radhanagari

(N. P. Kakade)

Date : 20/12/2025

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