

MHND170002842023



RCS No.52/2023.

Anusayabai Vs.

suvarnabai and others

ORDER BELOW EXH.25.

01. Through this application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, the plaintiff is seeking a temporary injunction against the defendant to restrain them from obstructing the peaceful possession of the plaintiff in the suit property until disposal of the main suit, located bearing Gut No. 309 admeasuring 1 Hectare 60 R as specifically mentioned in Paragraph No. 01 of the plaint, situated at Kandli Budruk, Taluka Himayatnagar, District Nanded. Which will be referred here in after as a suit property for the sake of brevity.

The germinating facts of this litigation are as under.

02. In the present application, Defendant No. 1 has originally filed the application through her counter-claim. Hence, for the sake of convenience, the plaintiff herein is the original Defendant No. 1 in the suit, and the defendant herein is the original plaintiff in the suit.

03. According to the plaintiff, the suit property originally belonged to her father, Satwaji Jadhav, who had effected an oral partition of his

properties in 1977. In that partition, the suit land was allotted to the plaintiff, and she claims to be in possession since then. The mutation entries were also effected in her name in the year 1989. The plaintiff contends that when she attempted to cultivate the land in November 2023, the defendants obstructed her and threatened to take away the crop, thereby necessitating the present suit and interim relief for not disturb her possession over the suit property till the disposal of the suit hence lastly plaintiff prayed application be allowed .

04. On the other hand, Defendant No. 1 has filed a written statement opposing the application and denying the plaintiff's claim of ownership and possession. According to Defendant No. 1, the suit land was part of joint family property, and after certain sales and consolidation proceedings, Gut No. 309 came to be recorded in the name of Satwaji. Subsequently, portions of the land were sold, and Defendant No. 1 retained ownership and possession over 3 Hectares 08 R.

05. It is the specific case of Defendant No. 1 that the plaintiff's name was entered in the revenue record only for convenience, due to the defendant's old age, so that her daughters could assist in managing the land. However, the ownership always remained with Defendant No. 1. The defendant further submits that part of the land standing in the name of another daughter was sold for family necessity, and the consideration was received by Defendant No. 1.

06. Defendant No. 1 contends that she is in actual possession of the suit land and that the plaintiff is attempting to misuse the revenue entries to dispossess her aged mother. It is also argued that the suit land is the

only source of livelihood for Defendant No. 1, and granting injunction against her would cause severe hardship. Therefore application be rejected.

07. Heard Ld. Advocate for the plaintiff and Ld. Advocate for the defendants at length. Considering the rival contentions of the parties and documents on record, the following point arises for my consideration for the determination of this application and I have recorded my findings thereon with the reasons given there below.

Findings	Points
1. Does the plaintiff has prima facie case to grant temporary injunction as prayed?	Yes.
2. Whether the balance of convenience lies in favour of plaintiffs?	Yes.
3. Whether the plaintiff will suffer irreparable loss in the event of not granting temporary injunction?	Yes.
4. What order?	Application at Exh.25 is Allowed.

: REASONS :

Points No. 1 to 3 being interlinked, are discussed collectively as follows:

08. **In relation to Point No. 1 – Prima Facie Case:**

For deciding the first point, it is necessary for the plaintiff to prima facie establish that she is in possession of the suit property and that

the defendant is attempting to obstruct her peaceful possession over the same.

09. As per the pleadings, the plaintiff contends that the suit land has been in her ownership, possession, use and enjoyment since the year 1977, when her father effected an oral partition and the suit share fell to her lot. In support of this contention, the plaintiff has relied upon the 7/12 extracts of the suit property. Upon perusal of the same at Exhibit-6, it reveals that the name of the plaintiff is recorded to the extent of 1 Hectare 60 R, incorporated through Mutation Entry No. 126. The plaintiff has also produced a certified copy of the 7/12 extract along with the list of documents at Exhibit-24. On perusal of the said document, it is seen that the name of the plaintiff appears in the cultivation column. Thus, prima facie, it indicates that the plaintiff is in possession of the suit property.

10. On the other hand, it is the contention of the defendant that the name of the plaintiff was entered in the revenue record only for convenience, due to the old age of Defendant No. 1, so that her daughters could assist in managing the land. However, to substantiate this contention, the defendant has not placed on record any prima facie documentary evidence. Mere bald assertions without supporting material cannot dislodge the presumption arising from the revenue record.

11. It is well settled that entries in the revenue record, though not conclusive proof of title, do carry a presumption regarding possession unless rebutted by cogent evidence. In the present case, the revenue entries consistently reflect the name of the plaintiff, including in the cultivation

column, which supports her claim of actual possession. In absence of any rebuttal material from the defendant, this Court is inclined to accept the plaintiff's possession as prima facie established.

12. Further, the plaintiff has specifically pleaded and asserted that on 19.11.2023, the defendants obstructed her agricultural activities and threatened to interfere with the crop. Such allegations, coupled with prima facie proof of possession, indicate a real and imminent threat of interference by the defendants.

13. Considering the above facts and circumstances, this Court finds that the plaintiff has successfully established a prima facie case in her favour so far as possession of the suit property is concerned. If the defendant is not restrained, it would result in disturbance of the plaintiff's possession and may lead to multiplicity of proceedings. Hence, the present application deserves to be allowed.

14. After considering all the above aspects, I am of the view that the plaintiffs is entitled to the relief of temporary injunction. Hence, I answer Points No. 1 to 3 collectively in the affirmative and proceed to pass the following order :

ORDER

01. The application at exhibit 25 deserves to be allowed. The defendants are hereby restrained, by way of temporary injunction, from causing any obstruction or interference with the plaintiff's peaceful possession over the suit property, either by themselves or through any other person, till the final disposal of the suit.

02. cost in cause.

Place :- Himayatnagar

Date : 05/05/2026.

(Z. Z. Quadri)

C.J.J.D., Himayatnagar.

CERTIFICATE

I affirm that, the contents of this P.D.F. file order are same word to word, as per the original order.	
Name of the Stenographer	N.K.Hingmire
Court Name	Court of CJJD & JMFC, Tq. Himayatnagar. Dist. Nanded
Judgment signed by the Presiding Officer on	05.05.2026
Judgment/Order uploaded on	05.05.2026