

CNR No.
MHPU33-002461-2025
MHPU330024612025



1 Misc. Civil Appeal No. 72/2025
Judgment
Presented on :- 12.09.2025
Registered on :- 12.09.2025
Decided on :- 13.07.2026
Duration :- 00Y. 10Ms. 01Ds.

IN THE COURT OF DISTRICT JUDGE -1, JUNNAR
DIST. PUNE
(Presided Over by S.B.Shelar)
Miscellaneous Civil Appeal No.72/2025
Exhibit No.

Alkananda Rajendra Hande

Age: 65 years, Occupation :
Address: Shivkrupa Building Phase-1,
(Hande Building), Near Saubhadra Mangal Office,
Nagar-Kalyan Road,
Bank of Maharashtra Galli,
Alefata, Tal. Junnar, Dist. Pune.

Appellant

VERSUS

Punam Avadhut Hande

Age: 38 years, Occupation :
Address: Flat No. 216, A Wing, S.No. 43/72,
Devashree Complex, Narhe,, Pune - 411 041.

Respondent

VERSUS

Claim:- Appeal against order dtd. 25/07/2025
below Exh. 39 in Regular Civil Suit
No.454/2022

Appearance :

Ld. Adv. for the Appellant : Smt. N. N. Sherkar
Ex-parte against the Respondent.

J U D G M E N T

(Delivered on this 13th day of July, 2026)

1] By this appeal, the appellant has assailed order dated 25.07.2025 passed by the Ld. Trial Court in Reg.C.S.No. 454/2022. (Parties are referred to their original nomenclature as per the Trial Court).

2] Heard Ld. Advocate Smt. N. N. Sherkar for the defendant. Since no appearance was filed on behalf of respondent despite service, the matter proceeded ex-parte against her.

3] Ld. Advocate Smt. Sherkar submitted that defendant is the mother-in-law of plaintiff. The plaintiff had filed a suit for declaration and injunction against her before the Ld. Trial Court. The declaration and injunction was in respect of several suit properties which were owned by the husband of the defendant. The said properties are self acquired properties and the plaintiff has no claim over the same. She further submitted that the plaintiff has not been residing with the defendant and hence, her claim on the said properties is bogus and not tenable. She further submitted that the husband of the plaintiff had never contributed for the purchase of the said properties and hence, he had no right in the same. Since, the deceased husband of the plaintiff had no right in the said properties, there arises no rights in favour of plaintiffs. The plaintiff has filed the suit to harass the defendant who is a senior citizen.

She therefore, submitted that the impugned order is liable to be set aside.

4] I have considered the record and submissions made by the Ld. Advocate and the following points arise for my consideration.

Sr. No.	Points	Findings
1.	Does the defendant show that the plaintiff was not entitled for injunction as prayed before Ld. Trial Court ?	No.
2.	Does the impugned order requires interference by this court?	No.
3.	What order?	Appeal is dismissed.

REASONS

As to Point Nos. 1 to 3:

5] It is an admitted position that the plaintiff is the wife of deceased Avdhoot Rajendra Hande. The said deceased Avdhoot Rajendra Hande was the son of defendant. The marriage and relationship of plaintiff with deceased Avdhoot Rajendra Hande is not disputed by the defendant.

6] The plaintiff has come out with a specific case that the properties of Rajendra Hande had devolved upon her deceased husband Avdhoot R. Hande and the defendant. She has further claimed that the defendant had sold out property

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bearing block no. 2586 situated at Ale village, Tal. Junnar. The said contention is not disputed by the defendant at this stage. It appears from the pleadings on record that another lady by name Akshada is also claiming to be wife of deceased Avdhoot R. Hande, however, she did not intervene the suit. The said Akshada is also not party to the suit.

7] When the plaintiff has come out with the positive case that the defendant had sold one of the property out of the suit properties, then the apprehension expressed by her appears to be reasonable. The Ld. Trial Court has also observed in its order that the defendant and deceased Avdhoot Hande had sold property bearing block no. 2586 vide sale deed no. 2736/2022 to Anand Mahadu Jadhav and Haridas Mahadu Jadhav. Under such circumstances, the finding of the Ld. Trial Court that the apprehension prima facie expressed by the plaintiff appears to be reasonable and correct, cannot be faulted with. The said finding is in accordance with the settled principles of law and factually correct. In such circumstance, I do not deem it fit to interfere with the said finding.

8] Once, the Ld. Trial Court is satisfied from the record that deceased Avdhoot Hande had share or his name was mentioned in the suit properties, then, the interest of the plaintiff as his wife needs to be protected. The plaintiff also has child from the said marriage with Avdhoot Hande and the interest of the minor also requires to be protected. Whether the

said properties were self acquired by Rajendra Hande or not would be a question of trial. However, till then, if the suit properties are not protected and the defendant succeeds in disposing the same, then it would result into multiple litigation, resulting into irreparable loss to the plaintiff. Under such circumstance, the reasoning and finding of the Ld. Trial Court is correct and does not require any interference by this Court.

9] The Ld. Trial court has also observed that from the record, the suit properties appear to stand in the names of defendant and deceased Avdhoot Rajendra Hande. There is also an instance of sale of one of the property which is not disputed. The marital relationship of plaintiff and deceased Avdhoot Hande is also not disputed. The plaintiff and deceased Avdhoot Hande have a child from the said wedlock. In such circumstances, the balance of convenience lies in favour of the plaintiff. In view of the above circumstances, the finding and reasoning of the Ld. Trial Court cannot be faulted with.

10] A conspectus of the above discussion is that the Ld. Trial Court has not erred in passing the impugned order. The defendant has failed to show any infirmity and perversity in the impugned order. Therefore, the impugned order does not require any interference by this Court. The said impugned order supported with proper reasoning and being in accordance with settled principles of law does not warrant any interference by this Court. Hence, the following order-

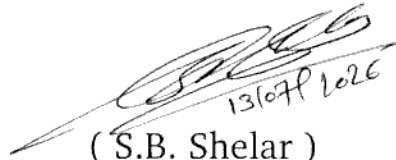
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ORDER

- 1] Misc. Civil Appeal No. 72/2025 is dismissed.
- 2] No order as to costs.
- 3] Interim/ad-interim order if any stands vacated.
- 4] The Record and Proceedings, if any, be sent back to the Ld. Trial Court.
- 5] Inform Ld. Trial court accordingly.
- 6] Appeal is disposed in above terms.

(Dictated and pronounced in open Court.)


(S.B. Shelar)
District Judge -1
Junnar, Dist. Pune

Date:-13.07.2026