

**Order Below Exh.5 in R.C.S. No. 72/2026**

**(Rupesh Shantaram Kelaskar Vs. Malati Babu Padvekar and ors.)**

**CNR No MHRT060003542026**

The plaintiff has sought order directing the defendant No.1 to maintain status-quo in respect of suit property i.e. Gat No. 2 and Grampanchayat House No.292 situated at Kalanagar, Dapoli, Dist- Ratnagiri till decision of Exh.5. He contended that the application at Exh.5 is pending and during this period the defendant No.1 obstruct him over the suit property. He further submitted that the said house is old one and it is necessary to repair the same before arrival of monsoon. The plaintiff and defendants are co-sharers of suit property. Moreover, the suit property is not yet partitioned. The illegal act/ obstruction by the defendant No. 1 will change the nature of the suit property. Hence, according to him to protect the suit property, order of status-quo is essential.

2. Perused record, affidavit, documents on record. Heard Advocate Shri. Mehta on behalf of the plaintiff.

3. The plaintiff submitted that the plaintiff and defendant are co-sharers of suit property. The suit property is not yet legally partitioned between them. However, defendant No.1 has started obstructing him over the suit property. It will cause huge loss to the share of the plaintiff in the suit property as suit property is not yet partitioned. The Advocate for plaintiff relied upon the photographs, 7/12 extract of suit property, and documents of revenue record. On perusal of photos, it is difficult

to ascertain the exact location of house property. Further it is difficult to identify the said land belongs to whom and who is obstructing plaintiff. Further, the suit property is not yet legally portioned between the parties. The plaintiff and defendants are co-sharers of the suit property. Similarly, in view of Chapter VII, para No. 97 of Civil Manual and settled law that it is necessary to ensure an earliest opportunity of being heard to the absentee defendants before granting ad interim injunction. It is necessary to take every care to protect the interest of absentee defendants. Therefore, in view of all these aspects, I am of the opinion to ensure the interest of absentee defendants. Hence, I pass following order-

### **ORDER**

1. Issue notice to defendants No.1 to show cause as to why temporary injunction as prayed should not be granted against her. Returnable on 02/06/2026.
2. Plaintiff to note and comply immediately.
3. E.P. and S.B. allowed (if any).

(Typed and pronounced in open Court)

**Date – 26/05/2026**

Sd/-\*\*\*

**(R.A.Nemade)**

**Civil Judge J.D., Dapoli.**

CERTIFICATE

|                                                                                                           |                                     |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------|
| I affirm that the contents of this PDF file Judgment/Order are same words as per original Judgment/order. |                                     |
| Name of Stenographer                                                                                      | Shri. V. V. Bamane                  |
| Court Name                                                                                                | Civil Judge J.D.& J.M.F.C., Dapoli. |
| Date of Judgment/order                                                                                    | 26.05.2026                          |
| Order Signed by P.O. on                                                                                   | 26.05.2026                          |
| Order uploaded on                                                                                         | 26.05.2026                          |