

FIRST ORDER BELOW EXH. 5 IN R.C.S. NO. 64/2025

1. Heard **Ld. Advocate Shri. S.R. Vanjare** for the plaintiff. Gone through the pleading. Perused the record. Considered the facts.

2. The plaintiff has filed this suit for the relief of prohibitory injunction, mandatory injunction and for the relief of damages. The plaintiff has also filed this application for interim relief of injunction restraining the defendants No. 1 to 3 from doing any illegal act causing damage to suit property i.e. Grampanchayat House No. 207/A/2 and should not make any changed in said property. The plaintiff has also prayed for interim relief restraining the defendant from causing any obstruction to plaintiff to use his toilet and bathroom and entering in the old common ancestral house for using the said bathroom and using room of worship which is ancestral of the family.

3. In order to get the interim relief the Ld. Advocate for the plaintiff relied upon the various documents i.e. Revenue/Grampanchayat record of village Nandgaon, Tal. Kankavali. The record since the year 1956-1957 is produced by the plaintiff showing his right into the suit property. He also shown the document received from Grampanchayat and invited my attention to the various correspondence, complaints made by plaintiff with the Grampanchayat.

4. The suit property House No. 207/A/2 was previously bearing No. 280 in the year 1956-1957. The plaintiff has made new construction and the open space adjoining to old house. The plaintiff came with the case that defendants No. 1 to 3 in collusion with Grampanchayat has changed the record in assessment extract and the new construction made by plaintiff is shown as old construction and number is shown as 207/A/2 to new construction instead of old construction. The plaintiff came with the case that the defendants are having property No. 207/A/1 is adjoining to suit property 207/A/2 having common wall. But the defendants in order to grab the portion of 207/A/2 is demolishing the common wall. The counsel of plaintiff also submitted that the door of 207/A/2 is also damaged by the defendants No. 1 to 3.

5. Hence plaintiff filed this suit and prayed for interim relief as mentioned above.

6. Considering the facts summarised above and considering the various documentary evidence produced by plaintiff on record I am of the view that the plaintiff has made out the prima facie case at least in respect of need of maintaining the property as it is without causing any further damage or making any further construction in the area owned by the plaintiff. Hence I proceed to pass following order.

ORDER

1. The defendants No. 1 to 3 are hereby restrained from causing any further damage to the common wall between House No. 207/A/1 and 207/A/2 and making any permanent structure in property House No. 207/A/1 till filing of say.
2. The defendants No. 1 to 3 are also restrained from causing any obstruction to plaintiffs and members of their family from using their own toilet and bathroom till filing of say without falling any due procedure of law.
3. Issue show cause notice to defendants No.1 to 3 as to why the interim relief granted ex-parte should not be confirmed r/o.20/05/2025.
4. The plaintiff is directed to comply the provisions of Order XXXIX Rule 3 proviso (a).
5. The plaintiff is also directed to produce on record the photographs of the suit house property showing the existence position.

Date : 09/05/2025.

RAVINDRA
VIRUPAKSHA
NADAGADALLI

Digitally signed
by RAVINDRA
VIRUPAKSHA
NADAGADALLI
Date: 2025.05.09
17:24:10 +0530

(R.V. Nadagadalli)
2nd Jt. Civil Judge (S.D),
Sindhudurg- Oros.
I/c. Civil Judge (J.D.)