

ORDER BELOW EXH. 05 IN R.C.S.NO. 131/2025

**Parshwa Reality
Vs.
Somnath Ramling Kore**

Read the plaint, Exh. 5 and affidavit filed in support of the application. Perused documents annexed therewith.

02. Heard learned advocate for the plaintiff.

03. The plaintiff has apprehension that the defendant on the basis of orders of the Hon'ble High Court may create third party interest and obstruct the possession of present plaintiff, therefore, he prayed that exparte ad-interim be granted.

Before passing any order let see the case of plaintiff in summary -

04. It is the case of plaintiff that, the suit properties were originally owned and possessed by the Ganpati Panchayatan Sansthan and the present defendant is POA for the main trustee of the said Sansthan. The said land was allotted for the Government Hospital. If the said land is not used for the said purpose, then the Ganapati Sansthan has right to claim back the said land as per the section 19/B of Ganpati Panchayatan Sansthan Act 1940. As the Government of Maharashtra allotted new 35 acre land for Civil Hospital Sangli, and therefore, the Ganpati Panchayatan informed the State of Maharashtra and other departments. The Civil Hospital, Sangli also gave the no objection to return the said

land to the Ganpati Panchayatan Sansthan. Thereafter, Ganpati Panchayatan Sansthan filed Writ Petition bearing no. 8434/2009 in the High Court Bombay and after hearing the both sides, on 07.01.2024 the Hon'ble High Court directed the government of Maharashtra to handover the possession of the property to the Ganpati Panchayatan. Meanwhile during the pendency of said Writ Petition, the present plaintiff purchased the suit property from the present POA vide registered sale deed on 28.09.2010 and handed over the symbolic possession of the suit property to the plaintiff.

05. Now knowing this position, the defendant suddenly refused to hand over the actual possession of the suit property to the plaintiff and displayed the board in the properties that he has possession over the suit property and thereby, obstructed the possession of the plaintiff. Therefore, on 14.04.2025, the present plaintiff sent legal notice to the defendant and also issued paper publication in the newspaper, prohibiting any transaction in respect of suit properties. After the notice, on 15.04.2025, the plaintiff put hording in the suit properties. However, on 19.04.2025, the defendant removed the said hording and put his hording in suit properties and claiming his possession over the property. Therefore, considering the judgment of the Hon'ble High Court, there is possibility that people may enter into the transactions with the defendant in respect of the suit properties. Therefore, the plaintiff was constrained to file this suit and prayed for exparte ad-interim injunction.

06. Perused the application and record. Heard the Ld. Advocate for plaintiff.

07. The contentions of the plaintiff are supported with the documents on record. The property card of the suit properties are filed on record wherein on 11.12.2020, mutation entry in respect of the transaction of the plaintiff and the defendant was taken. However on 01.06.2022, the said mutation entry was cancelled and earlier entry of Government Hospital was confirmed. The plaintiff also filed photocopy of registered sale deed wherein it appears that the present plaintiff purchased the suit property from Sangli Ganpati Panchayatan Sansthan Sangli through the POA i.e. the present defendant where the symbolic possession of the suit property was handed over to the plaintiff and rights of ownership of the plaintiff was subject to the payment to the remaining outstanding amount. The plaintiff also filed a photocopy of order of Hon'ble High Court passed in 8434/2009, wherein the Hon'ble High Court directed the Government of Maharashtra through its Health Department to return the land within 3 months to the Sansthan. The plaintiff has filed the copy of notice and public notice issued to the present defendant, prohibiting him from entering into any transaction. The plaintiff also filed on record the photographs of the hoardings of the present defendant, claiming his rights in the property.

08. I have given thought to the above contentions and documents filed on record. However, the plaintiff has failed to show the eminent danger to the suit properties, wherein the defendant is trying to alienate the suit properties to the third person. There is nothing on record which shows that the apprehension of the present plaintiff in respect of alienation of the suit properties poses immediate threat to its right in the suit properties. Therefore, before passing any order in respect of injunction it is necessary to hear the defendant and in result, I am not

inclined to grant exparte ad-interim injunction against the present defendant. Hence, I pass following order,

ORDER

- i) Issue show cause notice on Exh.5 i. e. application for temporary injunction to the defendant returnable on **09/06/2025**.
- ii) The prayer as to ad interim exparte injunction is hereby rejected.
- iii) E.P. and S.B. if any is allowed.

Place : Sangli.
Date : 05.05.2025.

(Rohini Sambhaji Patil)
2nd Jt. C.J.J.D., Sangli.

ORDER BELOW EXH. 01 IN R.C.S.NO. 131/2025

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Issue summons to defendant to appear and answer the claim and to file written statement of his defence, if any, within 30 days from the date of service of summons and for settlement of issues and to produce all documents in his possession or power vide O.8 Rule 1 and 1A of the Civil Procedure Code.

**Place : Sangli.
Date : 05.05.2025.**

**(Rohini Sambhaji Patil)
2nd Jt. C.J.J.D., Sangli.**