

ORDER BELOW EXH.05 IN R.C.S.NO. 187/2025**Ashok Kamble Vs. Vimal Budhale Ors.**

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

02. Heard learned advocate for the plaintiff.

03. It is the contention of the plaintiff that the suit property situated at behind Madhavnagar Naka, Tal. Miraj, Dist. Sangli bearing Gat no. 171/2 Plot No. 14 having city survey no. 4206 was originally owned by the father of the plaintiff i.e. deceased Ashok Kamble. The suit property is not partitioned yet among the legal heirs of the deceased Ashok Kamble. Therefore, the name of the father of the plaintiff and co-sharer appear on the 7/12 extract of the suit property. The father of the plaintiff died on 30.03.2009. Thereafter the plaintiff and his brothers are owners and possessor of the suit property. Having this position, the defendant no. 1 all of sudden started construction in the suit property and when the plaintiff objected such construction, then the defendants refused to stop their construction. Therefore, the plaintiff gave a complaint application to the Municipal Corporation on 24.06.2025. While inquiring on the said complaint, the Municipal Corporation came to know that, the said construction is carried on without any permission. The suit property is not yet partitioned among the legal heirs of Kamble family. Therefore, the defendants have no right to construct over the suit property. Therefore, the plaintiff filed suit for mandatory and permanent injunction.

04. Upon the perusal of contentions and the documents on record it appears that, the deceased father of the plaintiff had right in the

suit property. Though the name of the plaintiff is not mutated in the suit property, prima-facie it appears that he has right in the suit property through his father as the suit property is not partitioned among the legal heirs. The photographs on the record shows that, there is a construction going on in the suit property and the notice dated 11.07.2025 of Municipal Corporation Sangli-Miraj-Kupwad, the defendants failed to produce it, a valid permission from the competent authority for construction over the suit property. Therefore the plaintiff, prima-facie made out his case to grant ex-parte ad-interim injunction. Accordingly, I pass following order

ORDER

- I) The exparte ad-interim is granted till next date.
- II) The defendants, their agents, servants and anybody claiming on their behalf are restrained from making construction over the suit property, till next date.
- III) Issue show cause notice to the defendants as to why exparte ad-interim injunction should not be confirmed.
- IV) E.P. and S.B. if any is allowed.
- V) The plaintiff is directed to intimate this order by observing Order 39 Rule 3-A of C.P.C.

Place : Sangli.
Date : 19.07.2025.

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

ORDER BELOW EXH.01 IN R.C.S.NO. 187/2025**Ashok Kamble Vs. Vimal Budhale Ors.**

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

Place : Sangli.
Date : 19.07.2025.

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