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|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>MHSN060028762025</p>  | <p><b><u>COMMON ORDER BELOW EXH.05 &amp; EXH.18</u></b><br/><b><u>IN RCS NO.218/2025</u></b><br/><i>[Gundappa Balasaheb Hartale Vs Sanjay Basappa Khobare]</i><br/>[Passed on 02<sup>nd</sup> February, 2026]</p> |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

By filing present application, plaintiff is praying to restrain the defendant from causing obstruction and interference in the suit property.

**02. Description of the suit properties :**

**A]** Gat No.525, total area to the extent of 6.93.00 R situated in the locality of village Arag, Tal. Miraj, Dist. Sangli having four boundaries are as follows :

Towards east : Gat No.520, 524, 612, 613, 614.  
Towards west : Gat No.526  
Towards south : Gat No.592  
Towards north : Gat No.518, etc.

In which Khata No.4217, area to the extent of 1.15.00R which is in the possession of plaintiff having four boundaries are as follows :

Towards east : Arag-Vyankuchiwadi Road.  
Towards west : Gat No.526.  
Towards south : Property of Shri. Hartale.  
Towards north : Property of Shri. Gaikwad.

**B]** Gat No.526, total area to the extent of 3.41.00 R situated in the locality of village Arag, Tal. Miraj, Dist. Sangli having four boundaries are as follows :

Towards east : Gat No.525.  
Towards west : Gat No.529.  
Towards south : Gat No.592.  
Towards north : Gat No.527 & 518.

In which Khata No.4217, area to the extent of 0.52.00R which is in the possession of plaintiff having four boundaries are as follows :

Towards east : Gat No.525.  
Towards west : Gat No.529.  
Towards south : Property of Smt. Manisha Hartale.  
Towards north : Property of Shri. Tukaram Gaikwad.

**(Hereinafter referred as “suit properties”).**

**03.** It is the contention that, the plaintiff is the owner of suit properties. The defendant is labour of plaintiff. He obstructed to the plaintiff. Plaintiff is in peaceful possession since long.

**04.** *Per contra*, the counter plaintiff submitted the application on the ground that, there is agreement between him and father-in-law of plaintiff that, the income will be distributed between him and defendant. The agreement was dated 25/11/2024. Since then he is in possession of suit property. Therefore, plaintiff has no right to dispossess him.

**05.** Considering application, say and arguments, following points arise for determination with my reasons ensued thereon :

| Sr.No. | Points                                         | Findings  |
|--------|------------------------------------------------|-----------|
| 1.     | Who has proved the <i>prima-facie</i> case ?   | Plaintiff |
| 2.     | In whose favour balance of convenience tilts ? | Plaintiff |

| Sr.No. | Points                                                          | Findings            |
|--------|-----------------------------------------------------------------|---------------------|
| 3.     | Who will suffer irreparable loss if injunction is not granted ? | Does not survive.   |
| 4.     | What order ?                                                    | As per final order. |

### **REASONS**

#### **As to Point No.1 :-**

06. Heard learned Advocate for plaintiff and defendant. The learned Advocate for the plaintiff submitted that, agreement was to forward the sugarcane to the factory. The father of plaintiff has no relevance with agreement. There is no specific period in the agreement. The Learned Advocate for the defendant submitted that the agreement reveals that there was transaction and possession of suit property. He has invested money for cultivation. Plaintiff has not come with clean hands. The photographs shows that, there was crops over the suit property. Therefore, the plaintiff has no *prima-facie* case. Hence, he prayed to reject the present application.

07. The plaintiff has his possession over the suit properties. The plaintiff has filed 7/12 extracts of the suit properties. The 7/12 extracts reveals the name of plaintiff. *Per contra*, the defendant relied on the agreement dated 25/11/2024. It is admitted that defendant is cultivating the suit properties on behalf of plaintiff. The relied agreement does not reveal it is applicable for continuous period. The agreement has no relevance if it is not applicable for further period. It is surprising that, blank stamp

paper of the said agreement is with the plaintiff. The Counter-Plaintiff does not have the right to obstruct the plaintiff being the laborer of the Counter-defendant. The documents filed by the Counter-defendant did not show his continuous and legal possession. Thus, in view of above agreement the defendant is not entitled to restrain the plaintiff. The documents filed by the plaintiff did not show her continuous and legal possession. Thus, in such circumstances, plaintiff has proved his *prima-facie* case. Hence, I answer accordingly.

**As to Point No.2 & 3 :-**

08. Plaintiff has proved his possession over suit properties and defendant has no right to disturb the possession of plaintiff. The balance of convenience is the balancing the rights of the parties. If the defendant is not restrained, then plaintiff will suffer irreparable loss and inconvenience. Thus, the balance of convenience and irreparable loss tilts in favour of plaintiff. On the contrary there would be no loss to the defendant. Hence, I answer Point No.2 and 3 accordingly.

**As to Issue No.4 :-**

09. In this backdrop and in answer to point No.4, the following order is passed :-

**ORDER**

1. Application Exh.05 is allowed.
2. Application Exh.18 is rejected.

3. The defendant, his agents, servant or any other person on behalf of him is restrained from causing obstruction and interference in the peaceful possession of plaintiff over the suit properties till the conclusion of the trial.
4. Costs in main cause.

(Dictated and pronounced in the open Court).

Place : Miraj.

Date : 02/02/2026.

**(Pravin U. Kulkarni)**

Jt. Civil Judge Jr. Dn., Miraj.