

MHSN060019672026 	R.C.S. 147/2026 Smt. Chanakka Barajdar Vs. Keshav Jatkar & Ors.
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ORDER BELOW EXH.5

Perused the application filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, praying for ad-interim ex parte injunction till the decision of the temporary injunction application.

2. It is the case of the plaintiff that the suit properties are ancestral properties of the plaintiff and Defendant Nos.1 and 2, which are yet to be partitioned by metes and bounds. The plaintiff is the real sister of Defendant Nos.1 and 2. Her husband expired in the year 2006. Since then, she has been residing at her maternal home at Salgare along with her son. According to the plaintiff, her father had given Suit Property No.1A to her for cultivation, residence and livelihood. Thereafter, her son Somnath constructed a house under the Indira Gharkul Scheme pursuant to the resolution dated 30.05.2007 passed by Gram Panchayat, Salgare and accordingly, the plaintiff and her son have been residing therein. The plaintiff is having an electricity connection in her name in respect of the said house and regularly pays the electricity charges. She also uses water from the well situated in Suit Property No.1B. After the death of her father, her name came to be recorded in the revenue record along with the defendants and her mother. After the death of her mother,

the name of her mother came to be deleted from the revenue record.

3. It is further the case of the plaintiff that in the year 2019, the defendants proposed partition of the suit properties and called her to the office of the Sub-Registrar, Miraj on 17.09.2019. At that time, the defendants obtained her thumb impression on certain documents. As the plaintiff is an illiterate lady, she affixed her thumb impression upon the said documents by reposing faith in her brothers. According to the plaintiff, in the month of May 2026, the defendants started causing obstruction and threatened to dispossess her forcibly from the suit property. On 24.05.2026, the son of Defendant No.2 allegedly threatened to dispossess her. Thereafter, upon making inquiries regarding the documents executed on 17.09.2019, she came to know that the defendants had obtained a relinquishment deed from her by playing fraud and further partitioned the suit properties amongst themselves by a registered partition deed dated 17.09.2019. Hence, the present suit and application.

4. The plaintiff has specifically pleaded that the suit properties are ancestral properties and that she is one of the co-sharers therein. She has challenged the relinquishment deed and subsequent partition deed on the ground that the same were obtained by fraud and misrepresentation. The allegations raised by the plaintiff disclose serious triable issues requiring adjudication after granting an opportunity of hearing to all concerned parties.

5. The documents produced on record prima facie indicate

that the plaintiff's name was reflected in the revenue record in respect of the suit property. The plaintiff has also produced material in support of her claim regarding residence and user of a portion of the suit property. At this stage, this Court is not required to record any final finding regarding the validity of the relinquishment deed, the partition deed or the rival claims of the parties. However, the material placed on record is sufficient to show that the plaintiff has raised a bona fide dispute regarding her rights in the suit property.

6. The plaintiff has further alleged that the defendants have recently started causing obstruction and have threatened to dispossess her forcibly. If during the pendency of the application the defendants forcibly dispossess the plaintiff from the portion of the suit property alleged to be in her possession or create third-party rights in the suit property, the very subject matter of the suit may be affected and the plaintiff may suffer irreparable loss and injury.

7. Upon perusal of the pleadings and documents placed on record, this Court is satisfied that the plaintiff has made out a prima facie case for grant of limited ad-interim protection. The balance of convenience lies in protecting the plaintiff from the alleged threat of forcible dispossession and in preserving the suit property from alienation till the defendants are heard. Refusal of ad-interim protection at this stage may result in irreparable injury to the plaintiff which cannot be adequately compensated in terms of money.

8. Therefore, pending service of notice and till filing of say

and written statement by the defendants, it is necessary to grant limited ad-interim protection. Hence, the following order:

ORDER

1. The prayer for ad-interim ex parte injunction is partly allowed.
2. Till filing of say and written statement by the defendants, the defendants, their agents, servants or anybody claiming through them are restrained from forcibly dispossessing the plaintiff from the portion of the suit property alleged to be in her possession, otherwise than by due process of law.
3. Till filing of say and written statement by the defendants, the defendants are restrained from alienating, transferring, creating any third-party interest, or creating any charge or encumbrance over the suit property, otherwise than by due process of law.
4. Issue show-cause notice to the defendants as to why the aforesaid ad-interim injunction should not be continued till further orders.
5. The plaintiff shall comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure within the prescribed period.
6. Call say and written statement of the defendants.

Place:-Miraj.
Date :-02.06.2026.

(Smt. P.D.Gaikwad)
2nd Jt.Civil Judge, Jr.Dn., Miraj.