



Presented on :- 22/09/2015
Registered on :- 23/09/2015
Decided on :- 30/03/2026
Duration :- 10Y,06 M,8D

**IN THE COURT OF CIVIL JUDGE, JUNIOR DIVISION, KAVATHE
MAHANKAL DIST.SANGLI
(Presided over by Nutan Sachin Kadam)**

**REGULAR CIVIL SUIT NO.137/2015
Exhibit No. 60**

- 1) Smt. Malti Balgonda Patil,
Age : 63 Yrs., Occupation :- Household & Agriculture,
- 2) Kum. Jyoti Balgonda Patil
Age : 33 Yrs., Occupation :- Service & Agriculture,
Both resident of Hingangaon, Tal. Kavathe Mahankal. **...Plaintiffs.**

V/s.

- 1) Surgonda Bapu Patil ,
Age: 65 Yrs., Occu:Agricultural
- 2) Payagonda Bapu Patil,
Age: 60 Yrs., Occu:Agricultural
- 3) Chetan Chavgonda Patil,
Age: 28 Yrs., Occu:Service
- 4) Smt. Kamal Chavgonda Patil
Age: 50 Yrs., Occu:Household
No. 1 to 4 resident of Hingangaon,
Tal. Kavathe-Mahankal.Dist. Sangli.
- 5) Rajgonda Bapu Patil
Age: 52 Yrs., Occu:Trade.
Resident of Shivajinagar, Bamnoli,
Tal. Miraj, Dist. Sangli.
- 6) Smt. Smita Chavgonda Patil
Age: 25 Yrs., Occu:Household

C/o. Kamal Chavgonda Patil,
Resident of Hingangaon,
Tal. Kavathe-Mahankal.Dist. Sangli.

Defendants

Suit for Perpetual Injunction.

Appearance :-

Ld. Advocate for Plaintiffs :Shri. S. V. Hiremath.
Ld. Advocate for Defendants :Shri. C. A. Kulkarni.

JUDGMENT

(Delivered on 30-03-2026)

The present suit is instituted for perpetual injunction in respect of Block No.760, total admeasuring area 2 H 78 R, situated at Hingangaon, Tal. Kavathe-Mahankal, Dist. Sangli. It is bound as follows:

At East side - Block No. 758,759-A and 759-B.
At South side - Block No. 769
At west side - Block No. 767
At North side - Block No. 761 and 762.

(This property shall hereinafter be referred as “the suit property”).)

Brief facts of plaintiffs case is as under-

02. The suit property is originally owned by Late Balgonda Kalgonda Patil. He died in the year 1990. After his death, as per their family arrangement plaintiff Nos.1 & 2 became owner and possessor of the suit property. In this way the suit property is ancestral property of the plaintiffs. The plaintiffs arranged Pipeline from the well which is situated in Block No. 891 beside Agrani River for irrigation of suit property. The pomegranates orchard is cultivated in suit property. For the protection of pomegranates orchard plaintiff started fencing to the

boundary of suit property.

03. Defendants are owner of Block No. 767 which is adjacent of suit property at Western side. There is boundary (बांध) between plaintiffs and defendants filed i.e. suit property and Block No. 767. Defendant Nos. 1 to 5 started dispute about boundary due to jealousy of plaintiffs upliftment. Defendant Nos. 1 to 5 illegally create obstruction for the work of fencing of suit property. The plaintiffs are women. If plaintiffs unable to do fencing to the suit property for protection of pomegranate orchard then damages will be caused to orchard & that could not be calculated in the form of money. That's why plaintiffs constrained to institute the present suit against defendant Nos. 1 to 5. The defendant No. 6 is legal representatives of late Chavgonda Bapu Patil & her name is recorded at 7x 12 extract of Block No. 767. Thus her name is added as formal party to present suit.

04. Defendant Nos. 1 to 5 appeared in the matter and filed their written statement at Exh. 21. They admitted that Late Balgaonda was the real owner of the suit property and defendants block No. 767 is situated at western side of suit property. These defendants denied the other contents of plaintiffs and submitted that after death of Balgonda, he has heirs as Mrs. Malati as wife (Plaintiff No.1) Mr. Shrenik as son and Mrs. Aarti and Jyoti (Plaintiff No.2) as daughters. The partition has not take place between them, that's why Mr. Shrenik and Mrs. Aarti are also owner of the suit property. The defendants are owner of Block No.767 along with its boundary. The defendants field is at hight of 4 to 5 feet that's why their ancestors create boundaries to their field in their area, longer than 50 years ago.

05. Defendants further stated that there is Grapes orchard in the defendants filed since last 8 years and they use that boundary too.

Defendant No.1 apply for measurement of their field to Taluka Inspector Of Land Record (TILR) Kavathe Mahankal to resolve the dispute about boundary. Accordingly their field was measured by measuring No. 2008 dated 29-04-2014. At the time of measuring Block No. 767, suit property was not measured. Plaintiff No. 2 is working at City Survey office. She used her position and induced the surveyor to show wrongly that boundary between suit property and Block No. 767 come under the area of plaintiffs. The plaintiffs with intention to create encroachment in defendants field started work of fencing on the boundary of defendants. The plaintiff has not measured the suit property and does not fixed the boundaries of their field. That's why the plaintiff has instituted false suit without fixing boundaries, to harass defendants. Thus defendants prayed to dismiss the suit along with compensatory cost of Rs. 10,000/-.

06. The suit summons is duly served to defendant No. 6. However, she failed to appear in the matter. Hence, ex-parte order has been passed against defendant No. 6 on 15-06-2017.

07. Issues are framed at Exh. 25. These are reproduced here and recorded the findings against them for the reasons as under:

<u>Sr.No.</u>	<u>Issues</u>	<u>Findings</u>
1	Do the plaintiffs prove that, they are owner and possessor of the suit property as described in plaint para No. 1 ?	In the affirmative.
2	Do the plaintiffs prove that, defendants caused obstruction to their possession over suit property as alleged?	In the affirmative
3	Whether plaintiffs are entitled to relief of perpetual injunction?	In the affirmative
4	What order and decree?	Suit is decreed with

costs.

EVIDENCE

08. To prove their case, the plaintiffs have examined plaintiff No.1, Mrs. Malti Patil (PW 1) at Exh. 32 and Surveyor Shri. Yogesh Patil (PW 2), at Exh. 46. The plaintiffs have relied upon following documents:-

- Exh. 08 Certified copy of 8-A extract of plaintiff No.1.
- Exh. 09 Certified copy of 8-A extract of plaintiff No.2.
- Exh. 10 Certified copy of 7 x 12 extract of Block No. 760
- Exh.11 Certified copy of 7 x 12 extract of Block No. 767
- Exh. 48 Map of Block No. 767 prepared as per measuring registration No. 2008
- Exh. 49 Statement of defendant No. 1 at the time of measuring Block No. 767

09. The evidence of plaintiffs is closed vide pursis Exh. 53 dated 10.01.2025.

10. In support of the contents of a written statement, defendant No. 1 has examined himself (DW No.1) at Exh. 55. Defendants have not produced any documents on record in support of their defence. The evidence of defendants have closed vide pursis Exh. 58 dated 08.10.2025.

Admitted facts

11. As per section 58 of Indian Evidence Act admitted facts need not be proved. Hence, after considering the pleadings and documents on the record, it is necessary to go through the admitted facts of the parties before going to disputed once. Both parties admitted that-

1. Late Balgonda Patil was the real owner of the suit property.

2. The field of defendants i.e. Block No. 767 is situated at western side of the suit property.
3. Defendant No. 1 measure their field i. e. Block No. 767 from Taluka Inspector of Land Record (TILR) Kavathe Mahankal, before inspection of suit.

As to point No.1

12. In support of pleading plaintiff No. 1 examined herself and deposed that after death of Late Balgonda, as per their family arrangement plaintiffs become owner of suit property. On the other hand, defendant No.1 deposed that after death of Balgonda, he has heirs as Mrs. Malati as wife (Plaintiff No.1) Mr. Shrenik as son and Mrs. Aarti and Jyoti (Plaintiff No.2) as daughters. The partition has not take place between them, that's why Mr. Shrenik and Mrs. Aarti are also owner of the suit property. Accordingly, Ld. Advocate for defendants asked questions to plaintiff No.1, during the cross examination she admitted that despite of plaintiffs Late Balgonda has heirs as son Shrenik and daughter Aarti. There is documentary evidence to show that the partition has took place between them and she has ready to produce that document.

13. Ld. Advocate for the defendant argued that all heirs of Late Balgonda are not added party in present suit. Though plaintiff deposed that as per family arrangement plaintiffs are become owner of the suit property. There is no evidence except the bare words of plaintiff that as per family arrangements they are become owner and possession of the suit property. Hence, plaintiff has not proved that they are owner and possessor of the suit property.

14. On the other hand Ld. Advocate for the plaintiff argued that defendant admitted that Late Balgonda is the original owner of the

suit property. Plaintiffs are also heirs of Late Balgonda. There is no case of defendant that they have right in the suit property i.e. Block No. 760. Their dispute is about boundary. Therefore merely because some heirs are not added party to the present suit, itself is no ground to denied the ownership of the plaintiffs. The 7 x 12 extract of the suit property clearly shows that plaintiffs are the owner and possessor of the suit property. The plaintiffs prove their ownership and possession over the suit property.

15. Perused the evidence of both parties and considered the arguments of both parties. Both parties admitted that Late Balgonda is real owner of the suit property. Plaintiffs are heirs of Late Balgonda and in addition to plaintiff there are one son Mr. Shrenik and one daughter Mrs. Aarati also his heirs. The plaintiff deposed that as per family arrangement plaintiff become owner and possessor of the suit property. She also deposed in cross that the partition took place between plaintiffs and other heirs of Late Balgonda. However, there is no evidence on the record about the partition between them. Though there is no evidence on the record about partition, this is no question before this court in present suit that whether partition took place between heirs of Late Balgonda. Present suit is for injunction. Hence, as per issue in the matter the question is whether plaintiffs are owners and possessor of the suit property. In support of oral evidence plaintiffs have produced 7 x12 extract of the suit property, which shows that the names of plaintiffs are recorded to Block No. 760 i.e. suit property.

16. *As per Section 57 of Maharashtra Land Revenue Code 1966 presumption of correctness of entries in record of rights and register of mutation- and entry in record of rights, and a certified entry in the mutation shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.*

17. This presumption is in support of Revenue entries, and rebuttable, however there is no evidence on the record to prove that entries of 7 x 12 extract of the suit properties are false. Thus it is just to presume that the entries of plaintiffs name on 7 x 12 extract of the suit property are true. Furthermore, the defendants do not claim their right in suit property i.e. Block No.760. However, the boundary situation between the plaintiffs and defendants field is disputed. Therefore, considering all above discussion, it is clear that mere non adding the names of other heirs of deceased Balgonda has not create any dispute about the rights of plaintiffs. Thus, the argument of Ld. Advocate for defendants is not acceptable.

18. Plaintiff deposed that boundary between suit property and property of defendant i.e. Block No. 767 comes under their area on the other hand defendant No. 1 deposed that the boundary (बांध) is come under their area.

19. Ld. Advocate for defendant argued that during the cross-examination of plaintiff, she has admitted that the boundary between Block No. 760 and 767 is comes under the area of 767. Therefore, considering the admission of plaintiff, it is proved that the disputed boundary is comes within the area of defendants. On the other hand, Ld. Advocate for the plaintiff argued that while considering the evidence of witness the condition of witness is required to be considered. Plaintiff No.1 is 65 years old lady and merely because she gave admission during cross-examination of the fact it is not proved. The plaintiff has examined surveyor Mr. Yogesh Patil (PW2). The Surveyor is expert witness. Hence, if there are contradictions about the two witness, the merely the answer given in cross examination is not sufficient to draw the inference. In support of this argument, Ld. Advocate of plaintiff relied on the following authorities of Hon'ble

Supreme Court.

Boramma Vs. Krushna Gowda And Others [(2000) 9 Supreme Court Cases 214]. In this judgment Hon'ble Supreme Court stated that, it will not being a sound rule of appreciation of evidence to pick up an answer from the cross-examination of a witness and draw inference taking it in isolation. The court must see as to how consistent the testimony of witness is and as to how that answer fits in with the rest of the evidence and probabilities of the case.

20. Perused the evidence on the record and considered the arguments of both parties. Plaintiff No.1 and defendant No. 1 deposed in their chief examination that boundary (बांध) is come under their field. It means there is contrary oral evidence on the record, that's why this evidence of both parties cannot be considered and required to be corroborated by other evidence on the record. As argued Ld. Advocate for defendants during the cross-examination, plaintiff No. 1 admitted that the boundary between Block No. 760 and 767 is come under the area of defendants. However, it has to be seen that when plaintiff come with different case and mere one admission given in cross-examination wash out the case of plaintiffs. Thus considering the given admission of the plaintiffs, it is necessary to go through the legal provisions of the admissions. Section 58 and 31 of Indian Evidence Act 1872 deals with the admissions and required to be gone through it.

Section 58- Admitted facts need not be proved.

No fact needs to be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which before the hearing they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings.

Provided that the court may, in its discretion, required the fact admitted to be proved otherwise than by such admissions.

Section 31- Admissions are not conclusive proof, but may estop

Admissions are not conclusive proof of the matters admitted but they may operate as estoppels under the provisions hereinafter contained.

21. After considering the above legal provisions relating to admission, it is clear that though the admitted facts need not be prove the court can call evidence on the admitted facts and admissions are not conclusive proof. In the present case, the plaintiff has given admission against her pleading and the depositions in chief examination. After considering the decision of Hon'ble Supreme Court in case of Boramma Supra, it is clear that while dealing with the admissions given in the cross-examination cannot be considered in isolation and inference cannot be drawn from it. While interpreting the evidence on record it is required to be considered wholly along with rest of evidence and probabilities of the case. Thus, considering all above legal provisions and decision of Hon'ble Supreme Court given in case of Boramma case, court is not bound to rely solely on the admission of the plaintiff given under cross examination. Hence, it is required to be gone through the other evidence on the record. Thus, the argument of Ld. Advocate for the defendant is not acceptable on the point of admission given by the plaintiff.

22. In support of plaintiffs claim plaintiffs have produced the map of measurement of defendants field and examined the surveyor who prepare the map Mr. Yogesh Dinkar Patil (PW.2). The defendants also admitted in their written statement and defendant No. 1 deposed in his evidence that he apply for measuring the Block No. 767. It means

the fact that the adjacent block of suit property i.e. Block No. 767 is measured before the institution of the present suit and main dispute between parties is also related with the boundary between the field of plaintiffs and defendants. Thus, the evidence of the surveyor is most important here to be considered.

23. Surveyor Mr. Yogesh Patil (P W 2) has measured the Block No. 767 owned by the defendants on application of defendant No.1. He deposed that defendant No. 1 Surgonda Patil had made application to their office for measuring the Block No. 767 on 11-04-2014. As per order of Deputy Superintendent of TILR Kavathe Mahankal the work of measurement is given to him. Accordingly, he issue notice to defendant No. 1 and other adjoining owners of the Block No. 767 to inform them about measurement will be conducted on 13/05/2014. Accordingly on 13-05-2014 Surgonda Patil (Defendant No.1), Shrinik Balgonda Patil (Son of Plaintiff No.1), Bapu Anna Jagtap, Bhimrao Biru Shejal, Ananda Biru Shejal, Pandurang Shridhar Shejal and Akshay Ashok Patil were present for measurement. Before starting measurement, applicant i. e. present defendant No.1 show his admitted boundary of Block No. 767 and accordingly measurement has been taken place. He measured Block No. 767 with plain table method. He further deposed that the boundary at east sided is come in the area of adjoining owner Block No. 760. Accordingly, he has prepared map in three sheet i. e. 'A' 'B' and 'C'. He admitted the contents of 'B' copy and also statement of applicant. The 'B' copy at Exh. 48 and also statement of applicant i. e. present defendant No. 1 at Exh. 49. During cross-examination, this witness has deposed that he has not noticed that whether area on 7/12 extract of survey No. 339/2 is increased by 10 R or not. He also admitted that he has not confirm the area of three Blocks and there was no dispute between parties while measuring the area. He denied all

other leading questions of Ld. Advocate of defendants.

24. Defendant No. 1 deposed that at the time of measuring Block No 767 suit property was not measured. He further deposed that plaintiff No. 2 is working at City Survey Office, due to influence of plaintiff No.2, surveyor Mr. Yogesh Patil shows wrongly that boundary is come under the area of plaintiffs. During the cross-examination of defendant No. 1 he admitted that contents of his statement recorded under Exh. 49 as true and correct and he sign the same. He further admitted that Map (Exh. 48) is prepared as per measurement conducted on 13/05/2014.

25. Considering the evidence of surveyor Mr. Yogsh Patil (PW 2) and the defendant No. 1, it is clear that defendant No. 1 admitted that he has applied for measurement of his Block No. 767. However, he denied the correctness of the measurement done by surveyor. On perusal of evidence on the record, the defendant tried to bring on the record that, the measurement conducted by surveyor Mr. Yogesh Patil (P. W. 2) is incorrect on the ground that, the area shown on 7x 12 extract of Survey No. 339/2 is recorded extra 10 R. However, defendants have not produced evidence on the record to show that there is difference in the area recorded on 7x12 extract of survey No. 339/2. Therefore, there is no evidence on record to show that there is difference of 10 R area on 7 x12 extract of survey No. 339/2 and due to that difference measurement conducted by surveyor Mr. Yogesh Patil is caused any defect. Hence, mere suggestion of that point is not sufficient to prove that measurement is itself defective. Thus, the defence of defendant is not considered.

26. On perusal of evidence on record, defendants took defence that plaintiff No. 2 is working at City Survey Office, due to influence of

plaintiff No.2, surveyor Mr. Yogesh Patil shows wrongly that boundary is come under the area of plaintiffs. Accordingly, Ld. Advocate for defendants cross examined surveyor on that point. However, surveyor Mr. Yogesh Patil deposed that he don't know whether plaintiff No. 2 is working in their office or not. There is no evidence on the record produced by the defendant in support of this defence. Hence, considering above discussion, it is clear that there is no evidence on the record to show that due to influence of plaintiff No. 2 surveyor Mr. Yogesh Patil has wrongly prepare the measuring map.

27. Defendant No.1 denied the correctness of the measuring map in his evidence. However during his cross-examination he admitted his statement recorded by surveyor Mr. Yogesh Patil vide Exh. 49 and the map (Exh. 48) is prepared as per the measurement conducted on 13-05-2014. Thus, considering the evidence of defendant No. 1, at one point he denied the correctness of measurement and at the other point admitted his previous statement recorded at Exh. 49, which is contrary to each other. Hence, it would be just and proper to consider the legal provision of previous statement of witness given under section 145 of Indian Evidence Act.

Section 145 Cross examination as to previous statement in writing

A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

28. As per the above provision the previous statement of the

witness can be proved to contradict the witness. In present matter the previous statement of defendant No. 1 is shown to him during cross-examination and he admitted the correctness of that statement. Therefore, the plaintiff has proved the previous statement of the defendant, which is recorded at the time of measurement of Block No. 767, which create material contradictions with the oral evidence of defendant No.1. Thus the oral evidence of defendant No. 1 about the challenging the correctness of measurement is not trustworthy.

29. On perusal of the statement of defendant No. 1 (Exh. 49), he has admitted the correctness of the measurement done by surveyor and also admitted boundary marks as per survey record and Sub divisional (फाळणी) Map. On perusal of the Map (Exh. 48) it shows that as per measurement the boundary (बांध) between block No. 767 and adjacent block No. 760 comes under the area of adjacent block No. 760. Furthermore, at the time of measurement and thereafter up to institution of the present suit defendants never question the correctness of the measurement conducted by surveyor. Hence, considering the evidence on the record and conduct of the defendant that he has no challenged the measurement conducted by surveyor Mr. Yogesh Patil, it is proved that the measurement is correct. As map (Exh. 48) clearly shows that the disputed boundary (बांध) is in the area of plaintiff. Hence, plaintiff proved that he is owner and possessor of the suit property. Considering all above discussion, finding for issue No. 1 is recorded in affirmative.

As to Issue No. 2

30. Plaintiff No. 1 further deposed that on 14-09-2015 plaintiff were digging the pits for fencing suit property of their pomegranate orcharde. Defendant Nos. 1 to 5 came and created obstruction to the

plaintiffs. On the other hand defendant No. 1 deposed that they had not created obstruction to the plaintiffs. It means there is contrary oral evidence of the both parties. Thus, this evidence cannot be considered unless corroborated by other evidence. There is no substantive evidence on the record about obstruction, other than oral evidence of the plaintiffs. Hence, it is just and proper to consider the conduct of the both parties, before and after institution of the suit. As per Section 6 of Indian Evidence Act, the previous or subsequent conduct of party is relevant.

31. As above discussed in issue No. 1 plaintiffs have proved that the disputed boundary (बाँध) comes under area of plaintiffs field. The map at Exh. 48 also clearly shows the same. Despite of that defendants denied the correctness of the map and denied that fact. Furthermore, defendants did not challenged the correctness of measurement at the time of measuring block No. 767 and even before institution of suit. On the other hand, after measurement of defendants block No. 767, plaintiffs started fencing their block and after creating obstruction by defendants institute the present suit. Though defendant No. 1 deposed that to harass defendants plaintiffs have instituted false suit against them. However, there is nothing brought on record by defendants why plaintiffs want to harass defendants and any other reason to institute false suit against defendants. Therefore, the conduct of plaintiffs after causing obstruction to them instituting suit for getting relief from defendants since to be reasonable. On the other hand, the conduct of defendants to denied the correctness of measurement without any strong reason shows that defendant No. 1 to 5 are interesting in deny the rights of plaintiffs on disputed boundary and want to create obstruction for the use of plaintiffs. Thus, oral evidence of both parties and considering their conducts it reveals that defendant

Nos. 1 to 5 create obstruction to plaintiffs possession of the suit property. Considering all above discussion, plaintiffs have proved that defendant Nos. 1 to 5 create obstructions to peaceful possession of plaintiffs over suit property. Hence, finding for issue No. 2 is recorded in affirmative.

As to issue No. 3

32. The relief claimed by the plaintiffs is perpetual injunction to protect their rights of using the disputed suit property and to restrain defendants from creating obstruction for such use. As per section 38 of The Specific Relief Act, 1963, the relief for perpetual injunction has been given. Hence, before deciding the entitlement of plaintiff it is necessary to go through the provision of Section 38 of Specific Relief Act, 1963.

38. Perpetual injunction when granted-

(1) Subject to the other provisions contained in or referred to by this Chapter, a perpetual injunction may be granted to the plaintiff to prevent the breach of an obligation existing in his favour, whether expressly or by implication.

(2) When any such obligation arises from contract, the Court shall be guided by the rules and provisions contained in Chapter II.

(3) When the defendant invades or threatens to invade the plaintiff's right to, or enjoyment of, property, the Court may grant a perpetual injunction in the following cases namely:

(a) where the defendant is trustee of the property for the plaintiffs

(b) where there exists no standard for ascertaining the actual

damage caused, or likely to be caused, by the invasion;

(c) where the invasion is such that compensation in money would not afford adequate relief;

(d) where the injunction is necessary to prevent a multiplicity of judicial proceedings.

33. After considering above legal provision it is clear that the person claiming injunction has right and other party has obligation and the defendants invaded or threatened to invade the right or enjoyment of the property. In present case, plaintiffs have proved that they have peaceful possession over the suit property, therefore, plaintiffs have right to enjoy their property and defendants have obligations not to create obstructions to their right. However, as per finding of issue No. 2 plaintiffs have proved that defendants No.1 to 5 had created obstructions to enjoyment of plaintiffs. Furthermore, due to invades or obstructions of defendants plaintiffs unable to enjoy their property as per their wish i.e. by fencing their property. The damages caused by plaintiffs due to non enjoyment of their property as per their wish is unable to calculate in the form of money. Hence, Plaintiffs have satisfied all conditions given in above section 38 of Specific Relief Act to get relief of perpetual injunction. After considering all above discussion plaintiffs are entitled to get relief of perpetual injunction against defendant Nos. 1 to 5 as sought. Thus, findings for issue No. 3 is recorded in the affirmative.

AS TO ISSUE NO. 4 :-

34. As discussed above, plaintiffs are entitled for the relief of perpetual injunction. It is settled position of law that, a successful party must get the costs and losing party should pay to the other side.

Hence, the defendants are liable to pay the costs of present suit to the plaintiffs. Therefore, in answer to issue no. 4, following order has passed:-

: ORDER :

- 1 The suit is decreed with costs.
2. Defendant Nos. 1 to 5 and their agents, representatives or any person on their behalf are perpetually restrained from disturbing possession of plaintiffs over the suit property.
3. Decree be drawn up accordingly.

(Judgment is dictated and pronounced in open Court)

Date: 30.03.2026
Place: Kavathe-Mahankal.

(N.S. Kadam)
Civil Judge, Junior Division,
Kavathe-Mahankal.

Certificate

I affirm that the contents of this P.D.F. file Judgment/order is same, word to word, as per the original Judgment/order.

Name of the Stenographer	- H.P.Haridas
Court	- CJJD and JMFC, Kavathemahankal.
Date	- 30.03.2026
Order signed by the	
Presiding Officer on	30.03.2026
Order uploaded on	01.04.2026