

Order below Exh.1 in R.C.S.No. 23/2026

Sanjay Pandurang Dhas
Vs
Ulhas Babasaheb Nalvade

Issue summons to the defendants for filing written statement and for settlement of issues.

Shirala.
Date 17/02/2026

(V. A. Desai)
Civil Judge Jr. Dn. Shirala

Order below Exh.5

1. Perused application and record. Heard Ld. advocate for plaintiffs. It is contention of plaintiffs that defendants by playing fraud and by compromising in RCS no. 88/23 in lokadalat dtd. 09/12/2023 recorded their names to the suit property. Actually interest and rights of plaintiffs are involved in the suit property. Defendant No. 1 to 6 are trying to create record in their name and to alienate. Hence suit is filed for permanent injunction.

2. Ld. advocate for plaintiffs submitted to grant status quo in respect of suit property. Relevant documents are filed on record. Record reflects that defendants namely Ulhas Nalawade and Rupali Nalawade filed caveat in respect of suit property. However it is against other persons and not plaintiffs. Ld advocate for plaintiffs submitted that status quo can be granted even if caveat is pending. He has relied upon:

1. F.A.B. Axies Pvt Ld Vs. G Rugelfischer George Schafer. 1997.
2. Zila Parishad Budan Vs. Bahma Rishi Sharma 1969.
3. Balan Nair Vs. Bhavani Amma Valsamma 1986 ker.
4. C. Seethaiah Vs. Govt. of A.P 1983 A P

3. I have gone through citations. It is held in those citations that ex-parte injunction can be granted even if caveat is pending. No doubt as per provisions of CPC. notice is required to be issued before passing any order against party. However considering ratios laid down in above citations ex-parte injunction can be granted even if caveat is pending. No doubt defendant No.1 to 6 have to be heard but at the same time it is necessary to preserve status of suit property. If before appearance of defendants revenue authorities recorded names of defendants or any of the defendants alienate suit property or any portion of suit property, object of suit will frustrate. Supra citations are applicable in present situation. Hence in the interest of justice and considering extreme urgency following order is passed.

ORDER

1. Plaintiff and defendant No.1 to 6 are directed to maintain status quo in respect of suit property till appearance of defendants.
2. Plaintiffs to comply as per Order.39(3)(a) of CPC.

Shirala.
Date 17/02/2026

(V. A. Desai)
Civil Judge Jr. Dn. Shirala