

MH0070006652025



**ORDER ON EXH. 5 IN R.C.S. No.547/2025**  
**(Passed on 15<sup>th</sup> November 2025)**

1. This is an application filed for temporary injunction against defendants. The Advocate for plaintiff prayed to grant ex-parte ad-interim injunction against these defendants not to obstruct their possession, to harvest sugarcane crop and to cultivate the land. Heard Advocate for plaintiff. Perused plaint, affidavit and the documents filed along with Exh.04.

2. It is argued by the Advocate for the plaintiff that defendant No.1 is the brother of plaintiff No.1 and defendant No.2 is mother of plaintiff No.1. Their father namely Soplan Sadashiv Thite was removed from the house by defendants in the year 2013. Since then he was living with plaintiffs till his death dated 15.05.2020. Suit properties No.1A to 1E are owned by plaintiffs. He has received these properties by sale-deed or by partition. Defendant No.1 has filed R.C.S.No.455/2012 for partition challenging the previous partition. The suit is pending. Suit properties No.1B and 1C are self acquired properties of plaintiff No.1. Suit property No.1A was sold by deceased Sadashiv to plaintiff No.1 on 21.04.2012. Therefore, the previous suit is filed. Being aggrieved by these transactions and to grab more property, the defendant No.2 also filed application before Sub Divisional Officer under section 9 of Senior Citizens and Parents Maintenance Act, 2007 bearing No.19/2025. This application is rejected on 13.10.2025.

3. Being aggrieved by this decision defendants started obstructing harvest of sugarcane crop on 30.10.2025. At that time defendant No.2 put herself before the Tractor which was called for transport of harvested crop. FIR is also lodged. However, to prohibit the defendants from their action this suit is filed. It is further argued by Advocate for the plaintiffs that the crop of sugarcane is standing in the field and ready for harvest. If it is not sent to sugar factory immediately, the whole crop will be damaged. Thus, it will cause loss to the plaintiffs.

4. After perusal of the record it can be seen that 7/12 extracts for suit properties are in the name of plaintiffs. The land of plaintiffs and defendants are separate. Partition suit bearing R.C.S.No.455/2012 is pending since year 2012 and it is kept for dismissal order by order dated 19.11.2024. In this application plaintiffs are temporarily injuncted from creating third party interest. However, in respect of possession or cultivation in these suit properties is not prohibited. The application filed by defendant No.2 under Senior Citizen Act, has been rejected on 13.10.2025. After perusal of copy of FIR No.308/2025 at Karkamb Police Station dated 01.11.2025 and 16 photographs filed at Exh.4, it can be seen that the incidence narrated in the FIR has been photographed in those 16 photographs. The obstruction caused by defendants to the tractor came in the field can be seen. Standing sugarcane crop can also be seen from the photographs.

5. It is the case of plaintiffs that they are owners of

suit properties. They have standing crop ready for harvest in their land. Due to obstruction caused by defendants, their crop will be damaged. Considering the fact that crop ready for harvest is present in the field owned by plaintiffs. Prima-facie plaintiffs are found to be owners of the suit properties. The obstruction caused by defendants on 31.10.2025 is prima-facie evident from the photographs and FIR. It will require adjudication to grant final relief. But, at present it is necessary to protect the crop and thereby monetary losses would be incurred by the plaintiffs due to the obstruction caused by defendants. Thus, it is fit case to grant ad-interim ex-parte injunction. The defendants are not owners of the suit properties. Therefore, by harvesting the crop over suit properties will not cause prejudiced to the defendants. For the reason mentioned above the following order is passed.

**ORDER**

1. Defendants are hereby restrained from obstructing the harvesting of sugarcane crop standing in suit proerties No. 1A to 1E and from sending it to any sugar factory of plaintiffs' choice; in any manner, by way of ad-interim ex-partte injunction till their filing of say.
2. Issue show cause notices to defendants as to why reliefs claimed by the plaintiffs shall not be granted.
3. Plaintiffs are directed to comply provisions of Order 39 Rule 3(A) of Civil Procedure Code.
4. E.B and S.B allowed.
5. Notice returnable on 21.11.2025.

(Pronounced in open court)

**Pandharpur.**  
**Date : 15.11.2025.**

**(Smt. S.S.Raul)**  
**Jt. Civil Judge, Junior Division,**  
**Pandharpur, Dist.- Solapur.**

Certificate

I affirm that, the contents of this PDF file Order/Judgment are same word to word, as per original Order/Judgment.

Name of Stenographer :- D.S.Landage (Grade-III)

Court :- Jt. Civil Court,J.D., Pandharpur.

Date :- 15.11.2025.

Judgment/Order signed by :- 15.11.2025.  
the Presiding Officer

Judgment/Order uploaded on :- 15.11.2025.