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Registered on	06/03/2024
Decided on	18/03/2026
Duration	02 Y. 00 M. 14 D.

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, WASHIM.
[Presided over by Anil Subramaniam]

Regular Civil Appeal No. 09/2024
CNR No. MHWS010002342024

Exh. No. 14

1)	Vyankati Kisan Sadar, Aged about 82 years, Occu. Pensioner/Agriculturist,	... Appellants/original defendant Nos. 1 to 3.
2)	Mr. Deepak Vyankati Sadar, Aged about 36 years, Occu. Agriculturist,	
3)	Mr. Shivaji Vyankati Sadar, Aged about 39 years, Occu. Agriculturist, All R/o. Haral, Tq. Risod, Dist. Washim.	
<u>VERSUS</u>		
1)	Arun Ganpat Kolhe, Aged about 51 years, Occu. Agriculturist, R/o. Sawad, Tq. Risod, Dist. Washim.	... Respondent/ original plaintiff

APPEAL UNDER SECTION 96 OF THE CIVIL PROCEDURE CODE

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Appearance:-

Mr. G. V. Biyani, Advocate for appellants.
Mr. D. R. Kalwar, Advocate for respondent.

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JUDGMENT
(Dated 18/03/2026)

1. By the present appeal, the appellant is challenging the judgment and decree passed by Ld. Civil Judge (Jr. Dn.), Risod in RCS No. 52/2016 dated 30/01/2024.
2. The plaintiff filed the suit contending that the suit property was

purchased by him by registered sale-deed dated 30/03/2011 and thereafter on 17/01/2012 and he became owner of 61 R of land. One Vatsalabai filed a petition for cancellation. On 05/12/2015, Vatsalabai died and thereafter, on 29/03/2016, the Ld. SDO, Washim passed order of cancellation of mutation on account of Fragmentation Act. The plaintiff is adjoining occupier of Gat No. 225 which is in the name of father who expired on 04/09/2008. The defendants are trying to grab the property. The defendants threatened on 13/06/2016 that they will forcefully take possession of the property. Hence, the suit for injunction to not to disturb or obstruct the possession of the plaintiff.

3. The defendants filed WS vide Exh. 22 and resisted the suit contending that the sale-deeds are void as they violated Fragmentation Act. It is denied that the plaintiff is owner of the adjoining property. It is denied that the defendants are trying to grab the property. It is denied that the plaintiff is cultivating the said property. The possession of the plaintiff is illegal and illegal possession is sought to be protected and hence, the suit be dismissed.
4. Based on these pleadings, the Ld. Trial Court framed issues vide Exh. 29. The plaintiff examined four witnesses and defendants examined himself and thereafter, after hearing of the parties, the Ld. Trial Court decreed the suit granting injunction. Hence, the present appeal.
5. Heard both sides. Perused pleadings and evidence on record, considered the submissions advanced. Following points arise for my consideration and I answer the same as under for the reasons stated hereinafter.

Sr. No.	Points	Findings
1]	Whether the plaintiff establishes his possession and obstruction ?	... In the affirmative.

2]	Whether the plaintiff is entitled for any relief ?	... In the affirmative.
3]	Whether the impugned judgment and decree requires any interference ?	... In the affirmative.
4]	What order ?	... As per final order.

REASONS

As to Point No. 1 :-

6. The execution of the sale-deed is not disputed. It is also admitted that the plaintiff is in occupation of the said property in pursuance of the sale-deed. It is also admitted fact that the defendants created hindrance or raised objection to the title of the plaintiff. Considering the same and this admitted facts, the plaintiff has established his case and occupation over the suit property as well as title by way of sale-deed subject to various laws in force. Hence, I answer point No. 1 in the affirmative.

As to Point No. 2 -

7. Considering above circumstances, the plaintiff is entitled for reliefs as prayed for in the plaint. Hence, I answer point No. 2 in the affirmative.

As to Point No. 3 -

8. The plaintiff in his plaint has claimed permanent injunction that defendants not to obstruct or to interfere in the possession without due process of law. As against this, the Ld. Trial Court granted blanket injunction. Thus, it could restrict defendants legal rights, if any. Hence, considering the same, the impugned order requires to be partly modified. Hence, I answer point No. 3 in partly affirmative and pass the following order -

ORDER

1] The appeal is partly allowed.

2] The reliefs granted by the Ld. Trial Court is modified and clause 2(a) be added as under -

'that the defendants shall be entitled to follow due process of law for exercise of the rights and above injunction shall be subject to the same'. Suffice to say that due process of law implies legal process and not self action by the defendants. '

3] The judgment and decree passed by Ld. Civil Judge (Jr. Dn.), Risod in RCS No. 52/2016 dated 30/01/2024 is hereby modified as above keeping the earlier order intact.

4] R & P be returned to the trial Court as per rules.

5] Inform to Ld. Trial Court, accordingly.

6] No order as to costs.

7] Decree be drawn up accordingly.

8] Reg. Civil Appeal No. 09/2024 stands disposed off.

Date:- 18/03/2026.

(Anil Subramaniam)
Principal District Judge,
Washim.

CERTIFICATE

I affirm that the contents of this PDF file word to word are same as per original judgment/order.

Name of Stenographer	:	A. W. Ajmire, Steno (Grade II)
Court Name	:	Principal District & Sessions Judge, Washim.
Date of order/Judgment	:	18/03/2026
Judgment Dictated on	:	18/03/2026
Order/Judgment signed by Presiding Officer on	:	20/03/2026
Order/Judgment uploaded on	:	23/03/2026