

MHWS100001262021



Received on	04	01	2021
Registered on	12	01	2021
Decided on	25	03	2026
Duration	Years	Months	Days
	05	02	13

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, MALEGAON
(Presided over by Sheaikh Mohmad Wasim Akram)

Regular Civil Suit No. 07/2021**Exh.No.26****1. Dilip Shalikram Navghare**

Aged : 34 Years, Occ : Agriculturist

R/o. Pangari Navghare,

Tal. Malegaon, Dist. Washim.

Plaintiffs**VERSUS****1. Kishor Prabhakar Kharapas**

Aged : 49 Years, Occ : Service,

R/o. Dahigaon, Tal. Chikhali, Dist. Buldhana,

At Present Deshpande Colony, Malegaon,

Tal. Malegaon, Dist-Washim.

2. Vishal Ashok Manvatkar

Aged : 38 Years, Occ : Agriculturist,

R/o. Kolgaon Budruk,

Tal. Malegaon, Dist. Washim.

3. Akash Babanrao Mahalle

Aged : 49 Years, Occ : Service,

R/o. Near Police Station, Malegaon,

Tal. Malegaon, Dist. Washim.

Defendants**CLAIM : Suit for Compensation for damages.**

Mr. S. S. Navhgare, Advocate for the plaintiff.

Ex-parte against defendant Nos.1 and 2.

In person against the defendant No.3 Akash.

JUDGMENT

(Delivered on 25/03/2026)

The plaintiff has filed a present suit for compensation for damages.

2. Brief contentions of the plaint as follows;

It is the contentions of the plaintiff that he is in possession of Gat No.305 admeasuring area 1 H 50 R agricultural land situated at Pangari Navghare, Tal. Malegaon, Dist. Washim. It is bounded as follows,

East	-	Jambharun road
West	-	Agricultural field of Tukaram Kisan
North	-	Rivulet
South	-	Agricultural field of Waman Devba

Hereinafter, it is called as 'the suit property'.

3. The plaintiff further contended that in October 2020 he sowed gramme (हरभरा). On 28/12/2020 at about 02.00 pm defendants entered in the suit property along with JCB machine, at that time defendants caused damage to gramme (हरभरा) crops and trees, accordingly, he suffered loss of an amount rupees 1,00,000/- (One Lakh Only). At that time, the plaintiff tried to gave an understanding to defendants but all in vain. Later on, on 31/12/2020 the plaintiff filed a report in police station, Malegaon against defendants but no action taken against defendants. Therefore, the plaintiff filed the present suit against defendants for compensation of damages of an amount of rupees 1,00,000/- (One Lakh Only).

4. As per an order passed below Exh.1 dated 08/09/2021 the present suit is proceeded ex-parte against the defendant No.1 Kishor.

5. As per an order passed below Exh.1 dated 30/08/2022 the present suit is proceeded ex-parte against the defendant No.2 Vishal.

6. On receipt of suit summons the defendant No.3 Akash in person appeared in the present suit but he failed to file his written statement, therefore, as per an order passed below Exh.1 dated 08/09/2021 the present suit is proceeded without written statement against the defendant No.3 Akash.

7. On the basis of contentions of the plaintiff, I framed following points and I recorded my findings there on as under for the reasons given below.

Sr. No.	POINTS	FINDINGS
1.	Whether the plaintiff proves that he is in possession the suit property ?	Yes.
2.	Whether the plaintiff proves that on 28/12/2020 defendants caused damage to gramme (हरभरा) crops ?	Yes.
3.	Whether the plaintiff proves that he suffered loss of an amount of rupees 1,00,000/- (One Lakh Only) ?	Yes.
4.	Whether the plaintiff is entitled for compensation of an amount of rupees 1,00,000/- (One Lakh Only) ?	Yes.
5	What order and decree ?	Suit is decreed with costs.

REASONS

8. The plaintiff examined following witnesses.

Sr. No.	Name of Witness	Witness No	Exhibit
1	Dilip Shalikram Navghare	PW-1	16

9. The plaintiff also relied on following documents.

Sr. No.	Description of document	Exhibit
1	Certified Copy of 7/12 extract of the suit property	19
2	Certified Copy of 7/12 extract of the suit property	25

10. The defendant No.3 Akash has not filed any document on record.

11. Heard learned Adv. Mr. S. S. Navghare for the plaintiff. As per an order passed below Exh.1 dated 08/09/2021 the present suit is proceeded ex-parte against the defendant No.1 Kishor. As per an order passed below Exh.1 dated 30/08/2022 the present suit is proceeded ex-parte against the defendant No.2 Vishal. The defendant No.3 Akash is absent when called repeatedly, therefore, his argument side was close as per an order below Exh.1 dated 25/03/2026.

AS TO POINT NO. 1 TO 4 :-

12. The plaintiff contended that he is in possession of the suit property. The plaintiff further contended that in October 2020 he sowed gramme (हरभरा) crops. The plaintiff further contended that on 28/12/2020 at about 02.00 pm defendants entered in the suit property along with JCB machine, at that time defendants caused damage to gramme (हरभरा) crops and trees, accordingly, he suffered loss of an amount rupees 1,00,000/- (One Lakh Only), therefore, he filed the present suit against defendants for compensation of an amount of rupees 1,00,000/- (One Lakh Only).

13. The advocate Mr. S. S. Navghare for the plaintiff argued that the plaintiff is in possession of the suit property. The advocate further argued that in October 2020 the plaintiff sowed gramme (हरभरा) crops. The advocate further argued that on 28/12/2020 at about 02.00 pm defendants entered in the suit property along with JCB machine, at that time defendants caused damage to gramme (हरभरा) crops and trees, accordingly, the plaintiff suffered loss of an amount rupees 1,00,000/- (One Lakh Only), therefore, the plaintiff filed the present suit against defendants for compensation of an amount of rupees 1,00,000/- (One Lakh Only). Therefore, the advocate prayed to decree the present suit.

14. It is pertinent to note here that before moving towards evidence on record it is necessary to reproduce section 101 and 102 of the Indian Evidence Act, 1872 which are as follows :

Section 101 :- Burden of proof – *Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exists.*

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Section 102 :- On whom burden of proof lies – *The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.*

15. It is pertinent to note here that as per section 101 and 102 of the Indian Evidence Act, 1872 burden is on the plaintiff to prove that he is in possession of the suit property. It is also burden on the plaintiff to prove that in October 2020 he sowed gramme (हरभरा) crops and on 28/12/2020 at about 02.00 pm defendants entered in the suit property along with JCB machine, at that time defendants caused damage to gramme (हरभरा) crops and trees, accordingly, he suffered loss of an amount rupees 1,00,000/- (One Lakh Only).

16. The plaintiff Dilip Navghare (PW-1) filed his evidence of an affidavit below Exh.16, wherein, he reproduced all contents of the plaint. After perusal of evidence of Dilip (PW-1) it is clear that my learned predecessor has not posted the present suit for cross-examination because the present suit is proceeded ex-parte against defendants. It is pertinent to note here that testimony of the plaintiff Dilip (PW-1) is remained unchallenged and there is nothing on record to disbelieve his contentions.

17. The plaintiff for proving his possession over the suit property and loss of an amount of rupees 1,00,000/- (One Lakh Only) in support of oral evidence also relied on documentary evidence. The plaintiff filed on record certified copy of 7/12 extract of the suit property at Exh.19. After perusal of said certified copy of 7/12 extract it is clear that it is of the year of 2022-23 and in the name of the plaintiff.

18. The plaintiff also filed on record certified copy of 7/12 extract of the suit property at Exh.25. After perusal of said certified copy of 7/12 extract it is clear that it is of the year of 2015-16 to 2025-26 and in the name of the plaintiff.

19. It is pertinent to note here that as discussed above it is clear that as per an order passed below Exh.1 dated 08/09/2021 the present suit is proceeded ex-parte against the defendant No.1 Kishor. Furthermore, as per an order passed below Exh.1 dated 30/08/2022 the present suit is proceeded ex-parte against the defendant No.2 Vishal. Furthermore, the defendant No.3 Akash failed to file his written statement as well as failed to cross examine the plaintiff Dilip (PW-1), therefore, contentions of the plaintiff is remained unchallenged. Furthermore, after perusal of record it is clear that the plaintiff is in possession of the suit property. It is pertinent to note here that after perusal of record it is also clear that on 28/12/2020 defendants entered in the suit property along with JCB machine and caused damage to gramme (हरभरा) crops and trees, therefore, the plaintiff suffered a loss of an amount of rupees 1,00,000/- (One Lakh Only), therefore, the plaintiff is entitled for compensation of an amount of rupees 1,00,000/- (One Lakh Only) jointly from defendants. Hence, I answer to point Nos. 1 to 4 in an affirmative.

AS TO POINT NO. 5 :-

20. Considering all documentary and oral evidence adduced before me as well as legal position as discussed above in point Nos. 1 to 4 suit of the plaintiff is deserves to be decreed with costs. Accordingly, I proceed to pass the following order.

ORDER

1. The suit is decreed with costs.
2. Defendants are directed to pay a compensation of an amount of rupees 1,00,000/- (One Lakh Only) jointly to the plaintiff within two months from the date of the judgment.
3. Decree be drawn up accordingly.

[Pronounced and dictated in open Court.]

Date : 25/03/2026

Mohmad Wasim Akram
s/o Mohmad Jalal Sheaikh
Civil Judge Junior Division,
Malegaon.

CERTIFICATE

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

Name of Stenographer	C. R. Lande (Grade III)
Name of Court	Shri. M. W. A. M. J. Sheaikh, C.J.J.D. & J.M.F.C., (Court No.1), Malegaon, Distt. Washim.
Date of Dictation	25/03/2026
Judgment/Order signed by the PO on	25/03/2026
Judgment /Order uploaded on	25/03/2026