

MHAH080003272024



R.C.S.No.170/2024

ORDER BELOW EXH.23

The present suit is filed by the plaintiff for seeking relief of Declaration and perpetual injunction.

2. The plaintiff and defendants have argued on interim injunction application below Exh.5. Now, the case is listed for order on Exh.05. The plaintiff filed the present application for seeking relief of giving direction to defendant No.1 to 03 to maintain the status-quo by refraining them from executing order of Tahsildar Dated.22.04.2024 in Rasta Case No.96/2021.

3. The say of defendant No.01 to 03 is called on the present application. The Defendants stated that regular date of this case is 29.04.2024. Previous Status-quo application of plaintiff is rejected. Tahsildar has passed order in favour of defendants in Rasta Case No.96/2021. Plaintiff was preferred an appeal against said order but he has withdraw the same. On this ground defendants prayed reject the application

4. In view of present application and oral submissions. I have gone through the record of the case and the documents filed on plaintiff along-with suit and in support of present application. I have also heard advocate for plaintiff and defendants. It appears that the suit is filed on 22.02.2024. As per the contentions of plaintiff, the defendants have filed application to execute order in Rasta Case

No.96/2021 before Tahsildar on 10.04.2024. It means during pendency of suit the defendants has filed application to execute order of Tahsildar in respect of suit property. The defendants are aware that the plaintiff has filed this suit for declaration that the order passed in Rasta Case No.96/2021 is not legal. In such circumstances, the defendants are not entitle to take any action in respect of order which is disputed in the suit.

5. The plaintiff has produced copy of notice of Tahasildar dated.16.04.2024 at Exh.26, which shows that the order of Tahasildar will execute on 22.04.2024. However, considering the urgent relief sought for the plaintiff in this application. I found proper to allow this application.

6. Thus, considering the submissions, pleadings and documents on record. I am of the view that, it would be just and necessary to grant the status-quo. Hence, the following order:-

: ORDER ::

1.	The application is hereby allowed.
2.	Defendant No.1 to 03 is directed to maintain Status-quo in respect of suit property till the order of Exh.05.
3.	The plaintiff is directed to serve copy of this order to the Tahasildar, Sangamner till 22.04.2024 without fail

Place - Sangamner
Date : 20.04.2024

(Swapnali M. Waghmare)
Jt.Civil Judge Junior Division, Sangamner
Tal. Sangamner, Dist. Ahmednagar.