

**IN THE COURT OF DISTRICT JUDGE, AKOLA.**

(Presided over by Smt. S.R. Pahade, District Judge – 2, Akola)

**Reg. Civil Appeal No. 156/2025**

Manav Uttan Seva Samitee  
Vrs.  
Sau. Smita Subhas Panse-1

**ORDER BELOW EX.05**  
**[Dated : 29.12.2025]**

- 1) In an appeal against the judgment and decree passed by the Jt. Civil Judge( Sr.Dn. ) Akola, in Reg. Civil Suit No. 156/2022, Dt. 27.11.2025, the appellant / original defendant No. 1 has preferred this application to stay its effect and operation. It is contended that the impugned judgment is illegal, cryptic, erroneous and bad in law and liable to quash and set aside.
- 2) Heard Advocate on behalf of the appellant. It is argued that the relief of inspection of the premises is granted by the trial Court which is not sought by the plaintiff. The plaintiff has not proved that the defendant made illegal construction of the compound wall. The opportunity was not given to the parties prior to passing the order of appointment of commissioner for inspection of the premises. The defendant No. 2 has issued notice for inspection and in that event, if the inspection is carried out, it will frustrate the entire purpose of filing of the appeal and will result in miscarriage of justice. Therefore, the execution and operation of the judgment and decree is required to be stayed.
- 3) I have gone through the judgment and decree passed by the Ld. Jt. Civil Judge (Sr. Dn.), Akola . Considering the submission made on

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behalf of the appellant, it reveals that if the inspection of the premises carried out by the Municipal Corporation, Akola as per letter dtd. 19.12.2025, the prupose of the filing of the appeal will be frustrated. Hence, I proceed to pass following order:-

**ORDER**

1]	The execution of impugned judgment and decree is hereby stayed till further order.
2]	Inform the concerned Trial Court accordingly.

Date : 29.12.2025

( Smt. S.R. Pahade )  
District Judge-2, Akola.

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**CERTIFICATE**

I affirm that the contents of this PD.F file are same word for word as per the original.

Name of Steno	:	Shamim Sayed
Court name	:	D.J.- 2 & A.S.J., Akola.
Date	:	29.12.2025
Signed by P O on	:	30.12.2025
Uploaded on	:	30.12.2025