

MHAU070059202025



ORDER BELOW EXH. 5 IN R. C.S.No.764/2025

Pandurang Popat Kapse Vs. Poshs Metal Aurangabad LLP

The present suit is filed by the plaintiffs for perpetual injunction and declaration.

2. Heard, Ld. Advocate for plaintiffs. It has submitted that, the plaintiffs are using the road passing from the gut No.99 and 100 since long. Now the defendant No. 2 to 5 have sold the Gut No.99 and 100 to defendant No.1. Though property was sold, defendant No. 2 to 5 have no right to make any statement in sale deed regarding right of the plaintiffs over “disputed way”. The sale-deed are executed on 02/07/2024. The defendant No.1 is intending to change the direction of the way, beside river. If present direction of the way changed, plaintiffs will suffer irreparable loss. Hence, prayed to restrain defendant No.1 from introducing new way, which is not of any use of the plaintiffs. Hence, prayed to grant interim injunction to restrain defendant No.1 from closing present way and introducing new way.

3. Admittedly, the sale-deed executed on 02/07/2024, thereafter plaintiffs have challenged claim made by the defendant before Tahsildar, Gangapur. Plaintiffs have challenged the validity of the order of the Tahsildar, Gangapur. Plaintiffs are having apprehension that, if defendants not restrained, defendant No.1 will close the way and change beside the river. From the execution of sale-

deed, span of more than over 1 year has been passed. Till today there is no complaint regarding change in the way and place of the road. Therefore, considering the suit and nature of the proceeding taken place before Tahsildar, I find that, there is no substance in application to grant ad-interim injunction. Summons of suit shall be served upon defendant, thereafter necessary order will be passed. Hence, order -

ORDER

1. The prayer of ad-interim injunction is rejected.
2. Issue suit summons and show cause notice to defendants.

(Nilesh R. Indalkar)
Civil Judge Sr. Division
Gangapur

Date:- 18.08.2025