


**IN THE COURT OF THE DISTRICT JUDGE-1, BULDHANA**

(Presided over by **Shaikh Akbar Shaikh Jafar**)

MHBU010014972025	<b>Reg.Civil A. No. 57/2025</b>
	Haribhaum Satwagi Sanap & Ors ...Versus... Uddhavrao Dattatraya Nagare+ 2

**ORDER BELOW EXH.5**

(Passed on this 27<sup>th</sup> day of April 2026)

1] The appellants have filed this application with a title for grant of stay to the effect and operation of judgment and decree passed by Jt.Civil Judge, Sr.Dn.Buldhana in RCS No.78/2009 on 16.10.2025 till disposal of appeal. The para Nos. 1 to 5 of the application are having contentions that the grounds taken in the appeal memo shall be considered while deciding application. The prayer clause of the application is part and parcel. The decree and judgment passed needs to be stayed. So also, non-applicants should not transfer the lands to others and balance of convenience lies in favour of appellants. The prayer clause of application is somewhat different from the title of the application. The appellants are seeking injunction restraining the respondents from creating third party interest regarding the suit property till disposal of appeal.

2] The application is strongly resisted by the respondents contending that the title of application is different from the prayer. In the caption, appellants are claiming stay, and in the prayer clause, seeking issuance of injunction. The ingredients of application

are absent which are required to be contained in a application for injunction. It is further contended that the judgment and decree is not executable decree and prayed for rejection of application. The learned DGP for respondent No.3/Stated submitted reply overleaf of the application, to pass suitable order.

3] The Counsel of appellants passed the pursis to treat the contents of appeal memo and application [Exh.5] as their written submission for the decision of Exh.5. Heard the Counsel of respondents No.1 and 2 and learned DGP for respondent No.3/State.

4] It appears from the record that the suit bearing RCS No.78/2009 has been decided in favour of respondents No.1 and 2 declaring them as a owner and in possession of suit property and the appellants No.1 to 16 have been restrained from causing obstruction in possession of respondents No.1 and 2. Upon considering the instant application, as per its title, there is no need to stay the execution and operation of the impugned judgment and decree. The Court has declared the respondents No.1 and 2 as a owner and that they are in possession of the suit property, there is nothing to be executed. Likewise, the second clause of the operative order of the judgment binds the appellants from obstructing in possession of the respondents No.1 and 2. Therefore, it is the appellants who are required to abstain from causing obstruction, at this moment, nothing to be executed against the appellants. The

question of execution would arise if there is obstruction in possession of respondents No.1 and 2 in contravention of impugned judgment and decree. The granting of stay to the operation of the impugned judgment and decree would amount allowing the appellants to cause obstruction and setting aside the order of declaration of impugned judgment. Hence, there is no need to stay the operation and execution of the impugned judgment and decree.

5] Insofar as the grant of injunction restraining from creating third party interest is concerned, the provisions of lis pendence are sufficient to protect the interest of appellants. Moreover, there is nothing on record that the respondents No.1 and 2 are having intention to alienate the suit property. Hence, there is no prima facie case and balance of convenience lies in favour of appellants. Consequently, no irreparable loss will cause to the appellants, if injunction is refused.

6] In view of above discussion, I am of the view that the application filed by appellants is devoid of merits and liable to be rejected. Hence, I proceed to pass the following order;

**ORDER**

Application [Exh.5] stands rejected.

Buldhana  
Date:27.4.2026

**(Shaikh Akbar Shaikh Jafar)**  
District Judge-1,  
Buldhana