



M. C. A No. 37 / 2025
Ekmath Vs Keshav & others
Order Below Exh. 8.

Order Below Exh. 8 In M. C. A No. 37 / 2025
(Dated : 05.05.2026)

1) The appellant has moved this application for seeking a stay to the impugned order dated 14.10.2025 passed below application (Exh. 5) by Learned Civil Judge Junior Division, Sindkhed Raja in Regular Civil Suit No. 68 / 2025, whereby the prayer of temporary injunction is rejected and further asked the relief of status quo regarding the said impugned order.

2) The respondents through their Adv. Shri. V. B. Davhale have filed their say / reply on the back leaf of the application and thereby contested to the above prayers of stay and status quo made by the appellant.

3) Heard Learned Adv. Shri. N. H. Mitkari for the appellant and Learned Adv. Shri. V. B. Davhale for the respondents.

4) Upon perusal of proceeding of this appeal, it appears that the appellant has filed Regular Civil Suit No. 68 / 2025 against the respondents / defendants for seeking reliefs of declaration that the respondents have no right of way through the suit property and to aside the order dated 11.06.2025 passed in M.C.A No. 5 / Rajegaon / 9 / 2024 -25, whereby the appellant is directed to remove an obstruction on the disputed road. The appellant also sought the relief of permanent injunction against the respondents restraining them from creating an obstruction to



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the possession of the appellant over the suit property. The Learned Trial Court however rejected the said application (Exh. 5) for temporary injunction filed by the appellant.

5) On the background of controversial submissions made by Learned advocates for both the parties, I have carefully gone through the impugned order and material placed on the record of this appeal. Upon perusal of the same, it appears that the Learned Trial Court rejected the application (Exh. 5) for temporary injunction filed by the appellant / plaintiff in Regular Civil Suit No. 68 / 2025. It means that there is no executory order to obey. An order rejecting an injunction cannot be stayed, as it does not create a new situation. The court can stay operational orders. Once an injunction application is rejected, there is no active injunction order to stay. A stay pause “execution” or “operation” of an order; however, since a rejection of injunction order is in negative in nature, meaning it the order does not command any act to be performed.

6) In the instant matter in hand the Learned Trial Court rejected the application for temporary injunction by its order dated 14.10.2025. This order is in negative and not operational order and same therefore cannot be stayed. The matter would have been otherwise, if the appellant had asked the relief of status quo to maintain the position of the suit property as on the date of the filing of the suit. However, the appellant has not asked any such a relief. It is thus found that the application filed by the appellant is



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devoid of merit and liable to be rejected. With this view, I proceed to pass following order.

ORDER

The instant application stands rejected.

Place :Mehkar
Dated: 05.05.2026

Sd/-
(Rajendra J. Tambe)
Adhoc District Judge-1
Mehkar.



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CERTIFICATE

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. Rajendra J. Tambe
Adhoc District Judge – 1,
Mehkar, Dist. Buldhana.

Name of Steno : Sandip Ramdas Nikalje,
Stenographer, Grade-3, Mehkar.

Judgment/Order Signed by P.O. On : 05.05.2026

Judgment/Order uploaded on : 05.05.2026