

MHKO070024192024

**ORDER BELOW EXH. 30 IN REGULAR CIVIL SUIT NO.270/2024.**

(Virgonda Sivagonda Patil Vs. Babu Santu Kale and anr.,)

The plaintiff has filed the present application to grant the status-quo regarding the nature and condition of the suit property till deciding the temporary injunction application (Exh.5). The defendants No.1 to 7, 9 to 17 have filed their say (Exh.30 and 33) and objected the application.

2. Heard both sides. Perused the record. On perusal of the same, it appears that the plaintiff has filed the present suit for permanent injunction wherein, he has filed the temporary injunction application restraining the defendants from causing obstruction to his possession over the Gat No.1295 while preparing road as per the order passed in Rasta/SR/No.11/2021. The said application is filed against the defendants No.1 to 22. In the present case, the defendants No.1 to 17 and 19 to 20 have appeared before the Court. Moreover, the suit summons is served on the defendants No.21 and 22. However, the suit summons and notice of temporary injunction application is not served on the defendants No.18A to 18D. As the temporary injunction is sought against defendant No.18A to 18D, it is necessary to give them opportunity to file their say on temporary injunction application (Exh.5), before deciding the same. Therefore, today the temporary injunction application cannot be decided.

3. Now, it is alleged by the plaintiff that while passing the order in Rasta/SR/No.11/2021, defendant No.22 was directed to measure

the Gat No.1294. In the said map, Surveyor had illegally shown a road which passes from Gat No.1295 and on the basis of the said map, defendant No.22 has allowed the Rasta/SR/No.07/2025 and directed to remove the obstruction from Gat No.1295. On the contrary, it is alleged by the defendants that the order passed in Rasta/SR/No.07/2025 is not challenged in the present suit. Therefore, injunction cannot be granted against the defendants. The validity of the contentions of the plaintiff and the defendants will be decided at the time of deciding the temporary injunction application. However, it appears that the defendant No.21 has issued notice dtd.23.12.2025 wherein it is mentioned that on 06.01.2026 he will remove the obstruction caused in the road as per the order passed in Rasta/SR/No.07/2025, which passes from Gat No.1295. It is alleged by the plaintiff that in Gat No.1295, he has cultivated the sugarcane crop. If the defendants will execute the order passed in Rasta/SR/No.07/2025, they will remove his sugarcane crop. If it happens, the temporary injunction application (Exh.5) will become infructuous. In such situation, it is legal and proper to direct the defendants to maintain status quo regarding the nature and condition of the suit property i.e., Gat No.1295. In order to decide the temporary injunction application on merit it is legal and proper to direct the defendants to maintain status quo regarding the nature and condition of Gat No.1295.

4. It is alleged by the defendants that their sugarcane crops are ready for harvesting. There is only one way to access their lands which passes from Gat No.1295. Considering the said submission, it appears that the temporary injunction application (Exh.5) is required to be decided earliest. Hence, it is just and proper to direct the plaintiff to serve the suit summons and the notice of temporary injunction application on the defendants No.18A to 18D through special bailiff.

5. In view of above discussion, I pass following order :-

ORDER

1. The defendants are directed to maintain status quo regarding nature and condition of suit property bearing Gat No.1295 and shall not execute the order passed in Rasta/SR/No.07/2025 till next date.
2. The plaintiff is directed to serve the suit summons and the notice of temporary injunction application (Exh.5) on the defendants No.18A to 18D through special bailiff.
3. If the plaintiff fails to comply the above directions, the order of status quo will not be further extended.
4. Parties to take note.

Date – 05.01.2026.

(P. A. Patil)
Jt. Civil Judge Senior Division
Jaysingpur.