



**ORDER PASSED BELOW EXH.57**  
**IN SPECIAL CIVIL SUIT NO.17/2026**

[ CNR No.MHKO090001332026 ]

Upon pronouncement of the interim injunction order, the Ld. Counsel for the defendants made an application seeking stay of its operation for two weeks, on the ground that the defendants intend to prefer an appeal and require time to do so.

2. The Ld. Counsel for the plaintiff opposed the application on three grounds: that no provision of Civil Procedure Code has been cited; that the defendants have an efficacious remedy under Order XLIII Rule 1 and 2 and the present application is therefore not tenable and that granting stay would defeat the very purpose of the injunction and amount to review of the Court's own order.

3. I have given thoughtful consideration to the argument advanced by plaintiff's side. The absence of a cited provision is not fatal as the Court's inherent power under Section 151 of Civil Procedure Code is sufficient to sustain the application. The existence of an appellate remedy under Order XLIII does not oust this power, if the order is enforced before the defendants can approach the appellate Court, the remedy under Order XLIII would be rendered largely infructuous. As regards the objection of review, a brief operational stay is categorically distinct from a

review under Order XLVII of Civil Procedure Code. The Court is not reconsidering its reasoning or conclusion in any manner. The order stands in its entirety only its enforcement is briefly paused to enable the defendants to exercise their statutory appellate right. The objections are accordingly not sustainable.

4. The right of appeal is a substantive right and a party deserves reasonable opportunity to exercise it. The stay is sought only for two weeks. The plaintiff's operations have already remained suspended since 04/01/2026 and a further period of two weeks will not cause any permanent or irreversible prejudice to the plaintiff that cannot be compensated. Thus, considering all the aspects, I pass the following order :-

### **ORDER**

- 1] It is ordered that the operation of the interim order dated 27.03.2026 shall remain stayed till 13/04/2026.
- 2] It is made clear that no extension of stay will be granted thereafter.

Place : Gadhinglaj.  
Date : 30/03/2026.

( N. S. Puri )  
Civil Judge Senior Division,  
Gadhinglaj