



ORDER PASSED BELOW EXH.5
IN REGULAR CIVIL SUIT NO.46/2025

[CNR No.MHKO090001572025]

The present suit is filed by plaintiffs and thereby challenged the order passed by Tahasildar, whereby the Tahasildar directed formation of 10 ft. width path-way from the plaintiffs' land. In the present suit, the plaintiffs asked for interim injunction restraining the defendant no.2 from implementing the said order. The plaintiffs prayed for ad-interim ex-parte injunction on the ground that the order of Tahasildar is illegal, arbitrary and contrary to law and if it is implemented, it would cause irreparable loss to the plaintiffs, as the suit property would permanently affected. It is vehemently argued that if order of the Tahasildar is not stayed immediately, then the very purpose of filing the suit will render infructuous.

2. Perused the record. It appears that the caveat has been filed by the defendants except defendant nos.1 and 2, against whom the ad-interim ex-parte injunction has been sought. However, on perusal of notice issued by the Tahasildar, it appears that the order of Tahasildar will be executed on 01.04.2025. Therefore, there is no sufficient time to serve notice on the other defendants, who has filed the caveat. The Advocate for the

plaintiffs, at this juncture, relied on the following case-laws :-

[i] Reserve Bank of India Employees V/s. The Reserve Bank of India & Ors. -- AIR 1981 AP 246 ;

[ii] R. P. Khosla & Anr. V/s. Honble Company Law Board & Ors. -- Delhi High Court Rev. Pet. No.526/2013, decided on 15.01.2014 ;

[iii] Harishchandra Farasram V/s. Ardaviraf -- High Court of Gujarat, Civil Revision Appeal No. 780 of 2001, Decided On 22.03.2002.

3. I have gone through the cases cited supra. It is held in the cases cited supra that lodging of caveat does not preclude the Court from exercising its power to grant immediate relief, where the circumstances so warrant. Mere filing of caveat does not act as a fetter on the exercise of Court's power to grant relief in the case of extreme urgency.

4. In the case at hand, the plaintiffs have established that the Tahasildar's order is under challenge and its implementation will cause permanent alteration in the suit property. If the right of the plaintiffs is not adjudicated and the order is implemented, then it will cause irreparable loss to the plaintiffs. Further, an injunction at this stage merely maintain the status-quo and would not prejudice the defendants, who will have an opportunity to

present their case. Due to exceptional circumstances and dire urgency, I am of the view that it is fit case to grant ad-interim injunction restraining the defendant no.2 from implementing the order of Tahasildar till next date of hearing. Thus, I pass the following order :-

ORDER

- 1] The defendant no.2 and any other persons, agents, servants on behalf of him, are hereby ex-parte temporarily restrained from implementing the order bearing no.आर.टी.एस./रस्ता/कलम५(२)/एस.आर./१/२०२४, dated 21.02.2025, till next date.
- 2] Issue show-cause notice to defendant no.2 as to why the ad-interim injunction should not be confirmed.
- 3] Plaintiffs to comply.

Place : Gadhinglaj.
Date : 29.03.2025.

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