

ORDER PASSED BELOW EXHIBIT NO. 58
IN R.C.S. NO.26/2016

01. Defendants have filed instant application for grant of stay order against the plaintiff, till the filing of appeal against the order of granting Exhibit No.5 application.

02. By this application, defendants have contended that there is every possibility that the plaintiff may cause obstruction and interference to their possession over the suit property. Therefore, they have prayed for grant of stay against order below Exh. 5 application, till the filing of appeal.

03. The plaintiff has objected the instant application by his say at Exhibit No. 60 , on the ground that an application Exhibit No.5 has already been came to be allowed by this Court on merit and allready status-quo order was granted at the previous stage in his favour. So also present plaintiff has filed a caveat application before hon'ble District Court, Kolhapur. Hence this court has no jurisdiction to stay its own order. Therefore, the defendants have prayed for rejection of the instant application.

04. I have heard the learned advocates Shri. U.A.Mahajan for defendants and Shri. D.N.Kulkarni for the plaintiff at length.

05. It is seen that an application Exhibit No.5 for grant of temporary injunction, has already been came to be allowed by this Court. Besides, status-quo order was granted at the previous stage in the favour of the plaintiff which was subsequently extended by this court till decision of the Exhibit No.5 application. So also the plaintiff has filed caveat application before Hon'ble District Court, Kolhapur. Hence this court has no jurisdiction to stay its own order. In such circumstances, I do not find any justifiable grounds to grant stay order against the plaintiff. Therefore, the instant application is liable to be rejected. Hence, I proceed to pass the following order.

:- ORDER :-

1. Application Exhibit No. 58 is rejected.
2. No order as to Costs.

sd/-
(S.M.Jadhav)
2nd Jt. Civil Judge, Junior Division,
Pethvadgaon.

Dt. 23.2.2017.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Mrs.Rajashri Rajendra Sawant
Name of Court	Shri. S.M.Jadhav, 2 nd Jt. C.J.J.D. and J.M.F.C., Peth Vadgaon
Date of Dictation	21.02.2017.
Judgment signed by the P.O. on	21.02.2017.
Judgment/Order uploaded on	31.03.2017.