


MHKO140009302025 	<p style="text-align: center;"><u>Regular Civil Suit no.225 of 2025</u></p> <p style="text-align: center;">Soma Vaiju Naik Vs. Barku Khirgu Gawade</p>
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ORDER BELOW EXH.5

(Dated:- 07/03/2026)

The present application is filed by plaintiff to stay the effect of order passed below Exh.05, dated 06/03/2026 till the period of appeal. It is submitted that, vide order passed below Exh.05 dated 06/03/2026 an application for grant of temporary injunction is rejected. The plaintiff wants to prefer appeal against the said order. Therefore, it is prayed to stay the effect of order passed below Exh.05.

2. The learned advocate for defendants filed say and strongly opposed the application. It is submitted that, the present application is not tenable. The plaintiff is not having concern with the suit property. If the order is stayed then the purpose of granting temporary injunction will be frustrated and defendant will suffer irreparable loss. Hence, the application is liable to be rejected.

3. Perused the application, say. Heard, learned Advocate for both the sides.

4. Perused the application, record. Heard both side. It is matter of record that, on 06/03/2026 application below Exh.5 is rejected. Considering the submission of plaintiff it appears that they wants to prefer an appeal before the appellate Court being disagree with the order passed Exh.05. The present application is made immediately after passing order below Exh.5. So there is no delay in applying to stay the effect of order

below Exh.5. Considering prayer clause of Exh.05 as well as in the interest of justice, as per order 41 rule 5 sub-clause 2 r/w. Order 43 rule 2 of C.P.C., the order passed below Exh.05 may be stayed in the interest of justice. I am of the view that, if the effect of order passed below Exh.5 stayed then it will not cause such loss to the defendants which cannot be compensated in any terms. Because the said stay will be for short period. Hence, following order.

ORDER

- 1 Application is allowed.
- 2 The effect of order passed below Exh.05 is hereby stayed **till 16/03/2026.**
3. If the plaintiff failed to failed to prefer appeal and obtain appropriate order from appellate Court then present order will be automatically vacated on next date.

Place :- Chandgad.
Date: - 07/03/2026

(Waman D. Jadhav)
Jt. Civil Judge Junior Division,
Chandgad.