


<p>MHKO160002782023</p> 	<p><u>ORDER BELOW EXH.35 IN</u> <u>R.C.S.NO.38/2023</u></p>
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1. Present application is filed by the defendants contending that the order passed below Exh.20 and Exh.26 in the present proceeding needs to be reviewed as there appear mistake and error on the face of record. The plaintiff has not given boundaries of the suit properties. The order below Exh.20 is order without trial. Therefore, they prayed for stay to the order until review for order below Exh.20

2. Plaintiff filed their say at Exh.50 and submitted that the execution of order below Exh.20 is already completed in the month of October 2023. The application is filed without any merits. The application for temporary injunction was decided on merit. Therefore, they prayed for rejection of the application.

3. Heard learned advocates for both the sides, perused the record. It reals from the record that, present suit is filed for perpetual injunction. The application for temporary injunction Exh.05 was allowed. Though, it reveals that the order below Exh.05 was challenged before Hon'ble District court; the order is still intact. Thereafter, at Exh.20 plaintiff filed application for police protection to construct wall compound around suit property.

The same was allowed by this court. On perusal of said order, it reveals that reasonable opportunity was given to the defendants to oppose the application. The application is decided on merits. There appear no mistake and error on the face of record as alleged by the defendants. Moving further, it reveals from record that the execution of order below Exh.20 is completed in the month of October 2023. Thus, as of now, the present application become infructuous. In view of discussion Supra, I pass following order.

ORDER

1. The application Exh.35 is hereby rejected.
2. No order as to cost.

Place- Shahuwadi.

Date- 08/08/2024

(P. B. Pawar),

Civil Judge, Jr. Division,

Malkapur-Shahuwadi, Dist. Kolhapur