

Order below Exh.5 in RCS No.1037/2022

This is a suit for perpetual injunction. By this application plaintiffs have requested for granting temporary injunction thereby restraining defendants from obstructing or disturbing their possession over suit land, described in para 2 of the plaint, on the grounds stated in the application. Perused application and documents on record. Heard learned advocate Shri U.S. Jadhav for plaintiffs, who submitted that the defendants are trying to execute the illegal order passed by Naib Tahsildar, Nilanga dated 20/10/2021. The plaintiffs have filed photocopy of this order dated 20/10/2021 at list below **Exh.4/7**. After perusing documents on record it reveals that plaintiffs had challenged this order before SDO, Nilanga by preferring revision application which came to be dismissed by order dated 04/06/2022. The photocopy of order passed in revision application by SDO, Nilanga is filed by plaintiffs at list below **Exh.4/8**.

2. The rough sketch map annexed with the plaint clearly shows the existence of an approach road from the southern side of suit land and of entire S.No.7/C and towards northern side of S.No.6. In such situation there was no need to grant a new approach road from the stream flowing from the northern side of suit land. If the order passed by Naib-Tahsildar, Nilanga dated 20/10/2021 is implemented, as can be seen from the notice issued by Circle Officer at list below **Exh.20/1**, then serious prejudice may cause to plaintiffs. It is necessary to protect the possession of plaintiffs over the suit land and causing any sort of damage to it by maintaining status-quo as is in existence as on today. For these reasons, I pass following order:-

ORDER

1. Parties are directed to maintain status-quo in respect of suit land, described in para 2 of the plaint, till further orders.

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2. Plaintiffs shall comply with the provisions of Order
XXXIX Rule 3 CPC on or before 22/07/2022.

Order dictated and pronounced in open court.

Date : 21/07/2022

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.