

MHNS100000432026



Misc. Civil Appeal No.05/2026

**Dnyeshwar Popat Wadhwane & Other-1
Vs.
State of Maharashtra
through District Collector, Nashik.**

Common Order below Exh.1 & Exh.5

After hearing the appeal finally at length, during the course of arguments, both parties and their Ld. Advocates agreed to appoint Court Commissioner so as to bring on record factual position over the suit site. Accordingly, it was agreed between them that they will file joint application for appointment of Court Commissioner but, today they were disagreed in respect of prayers in the application for Court Commissioner and therefore, respondent alone filed application for Court Commissioner at Exh.33 and appellant filed separate application for Court Commissioner at Exh.34 with different prayers. Therefore, firstly, both the said applications needs to be decided.

Therefore, in the meantime, protective order needs to be granted in favour of the appellants otherwise if execution is

effected, appeal will become infructuous. Therefore, following order.

ORDER

- 1) Effect and execution of order dated 24.03.2022 in Magni Aarj no.02/2021, passed by Tahsildar, Niphad is hereby stayed till further orders.
- 2) Inform respondent nos.1 to 6 accordingly.

Place: Niphad
Date : 10.02.2026

District Judge-2
Niphad.