

R.C.S.No.287/2013
CNR NO.MHOS150005432013
Ashok/Shahaji

ORDER BELOW EXH.159

- 1) Perused the application supported with affidavit of Dhanaji Shahaji Dange, say filed by plaintiff. Heard Ld counsel for both parties.
- 2) Defendant by filing this application prayed for stay of execution of order below Exh.149 i.e. direction for providing police protection to execute order passed below Exh.5. Defendant contended that he wants to challenge said order before appellate authority. Plaintiff resisted application on the ground that, there is no provision for granting stay. Defendant has deliberately committing breach of temporary injunction order. If execution of order below Exh.149 not stayed then no irreparable loss would be caused to the defendants and prayed for rejection of application.
- 3) Roznama discloses that plaintiff has filed temporary injunction application for restraining defendant from causing obstruction for usage of water in the suit well. Said application has been allowed on 06/05/2013 but defendant continued to use water of suit well. Plaintiff by filing application below Exh.149 prayed for protection of police for removal of electric motor fixed by defendant by violating order passed below Exh.5. Defendant has not challenged order passed below Exh.5 on 06/05/2013. Defendant has also filed counter-claim and filed temporary injunction application which has been rejected. Defendant till today has not challenged temporary injunction order passed in favour of plaintiff. Defendant by committing breach installed electric motor in the suit well. If present application allowed and execution of order passed below Exh.5 stayed then definitely irreparable loss would be caused to the plaintiff.

Hence I do not find any justifiable ground to protect using of water by committing breach of temporary injunction order. Hence, application deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

- 1) The application stands rejected
- 2) No order as to costs.

Date:- 20/03/2019.

Sd/-
(Shri. S.P.Rachkar)
2nd Jt.Civil Judge J.D.,Paranda.