

MHSN040009022024
ORDER PASSED BELOW APPLICATION EXH.34 CIVIL MISC.
APPLICATION NO.77/2024
(Shri. Bharti Vasant Tamugade V/s. The Collector, Sangli, etc.)

This application is moved by the applicant for grant of order of Status-quo till final decision of delay condonation application. Today by taking case on today's board, the applicant has produced copy of final notice issued by Grampanchayat, Chikurde on dated 23/04/2025 to the plaintiff/applicant for removal of encroachment. Relying upon said notice it is argued by the Advocate of applicant that there is every possibility of execution of impugned notice, the applicant has been directed by the respondent to remove the household for the purpose of removing encroachment over the suit property. If said notice is not stayed and if the judgment and decree passed by trial Court is not stayed, the applicant will suffer irreparable loss and his right to appeal will be frustrated.

02. I have gone through the contents of the application it transpires that the trial Court has decided interim application of applicant in R.C.S. No.35/2024 on dated 04/05/2024 thereby the notice of respondent for removal of encroachment over the suit property are reviewed and legalize. I have also gone through the final notice dated 23/04/2025. However, it is evident from record that order of stay was not granted by the trial Court and the application for grant of temporary injunction stood rejected. As such there is no executable order of trial Court which can be stayed by this appellate Court in the appellate jurisdiction. Furthermore, respondent is not a private party, it is public entity working as public at large. The impugned notice needs to be analyze before passing any restraining order. The final notice do not show any specific time limit for execution of said notice. Therefore,

looking to said circumstances, I hold that it is not justified to grant status-quo in the present matter. Hence, following order is passed;-

ORDER

Application stands rejected.

Islampur
Date : 24/04/2025

(A. H. Kashikar)
Adhoc District Judge-1, Islampur.