


MHSN060043792025 	R.C.S. 321/2025 Rajendra Tukaram Sargar Vs Vitthal Annaso alias Annappa Edake
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ORDER BELOW EXH.8

The present suit is filed for declaration and perpetual injunction. The plaintiff has filed the present application contending that the Tahsildar has passed an order in respect of a road said to be passing through the adjoining land and that, on the basis of the said order, the defendants are likely to take steps for opening / using the road which, according to the plaintiff, will cause obstruction and damage to his peaceful enjoyment of the suit property. It is further stated that the said order has been passed under the Mamlatdars' Courts Act and that the plaintiff is not a party to the said proceedings. On this basis, the plaintiff has prayed that a status quo order be granted in respect of the suit property and the road.

2. On perusal of the record, it appears that the plaintiff is admittedly not a party to the proceedings before the Tahsildar, and that the Tahsildar, while exercising powers under Section 5 of the Mamlatdars' Courts Act, 1906, acts within a limited and summary jurisdiction, essentially for removal of obstruction and grant of immediate, temporary relief, without adjudicating upon the wider civil rights and title of the parties. The order relied upon by the plaintiff is thus in the nature of a temporary / summary direction and does not, by itself, confer any final substantive right which

would straightway warrant a blanket status quo order by this Court.

3. At this interlocutory stage, without commenting on the merits of the main suit for declaration and perpetual injunction or on the correctness, validity or effect of the Tahsildar's order, it is sufficient to note that the issues raised by the plaintiff are triable issues which can be decided during trial. At this stage of deciding the status quo application, I am not inclined to grant status quo as there is no exceptional situation made out. The plaintiff has also not placed material to show any immediate and irreparable injury so as to justify grant of an exceptional relief of status quo. In view of the above, the application for status quo stands rejected.

Place:-Miraj.
Date :-10.12.2025.

(Smt. P.D.Gaikwad)
2nd Jt.Civil Judge, Jr.Dn., Miraj.