

ORDER BELOW EXH - 54 IN RCS NO. 65/2025

The present application has been filed for granting *status-quo* till appeal period.

02. It is the contention of the plaintiffs that this Court has granted *status-quo* till date. However, this Court has rejected application Exh. 5. Now the plaintiffs are creating road from the suit property. If this application is not allowed then it will cause irreparable loss to the plaintiffs. Hence, prayed for allowing this application till appeal period.

03. Defendant no. 1 to 7 filed their say and strongly objected to allow this application. According to defendants, application Exh. 5 has been rejected on merits. The plaintiffs have not mentioned the provision to file this application as there is no such provision. Hence, the application is not maintainable. Hence, prayed for rejection of the application.

04. Perused the record. Heard the Ld. Advocate for both sides. The Ld. Advocate for plaintiffs has contended that the defendant is likely to prepare the disputed road on the basis of order passed below Exh – 05. Hence, this Court has power under Section 151 of CPC to grant *status-quo*.

05. Perused the record. Today application Exh. 5 filed by the plaintiffs for temporary injunction is rejected after hearing of both parties on its merits. As per Order 41 Rule 5 (2), the Court which passed the decree may stay the execution of such appealable decree. If the said provision is taken into consideration in view of Section 151 of C.P.C. Though it is important to note that the application Exh. 5 is rejected by this Court. Therefore, no executable decree or order is passed by this Court. Apart from this, there is no such

provision in the Code of Civil Procedure, 1908 for staying the order passed by the same Court till appeal period.

06. Considering facts and circumstances on record, there appears no justifiable reasons for granting *status – quo* order in favour of plaintiffs as prayed. Hence, following order.

O R D E R

1. Application is rejected.

2. Costs in cause.

Date :- 23/07/2025

Place :- Kavathe Mahankal

(M. A. Kulkarni)

Jt. Civil Judge Junior Division.