

R.C.S. No.103/2022

I. A. No. 2/2022

Gajendra Randive & others

Vs. Dhiraj and others.

CNR No. MH50070001332022

Order passed below Exh.17

(Passed on 22.03.2022.)

Plaintiffs have present application for granting status-quo in respect of suit property. It is their contention that, they have suit for declaration and perpetual injunction against the defendants. It is their contention that, plaintiffs have intend to file some relevant documents and photographs in respect of suit road which is subject matter of present suit and the real factual position of suit property is required to be brought on record but during that period there is possibility of creating new road at the hands of defendants on the suit property which resulted into irreparable loss to the plaintiff. Therefore, plaintiffs prayed to grant status-quo order till the decision of temporary injunction application filed below Exh. 05. Hence, they are prayed to allow the application.

2] Defendants by filing their say below present application have strongly opposed and denied the contents of application. They have submitted that, in respect of subject matter of present suit Tahsildar has already given decision and said fact is within the knowledge of plaintiffs. Defendants have filed their say to the temporary injunction application and

without argue the temporary injunction application plaintiffs have moved present application to create complications in respect of suit property. Defendants are using road which is proceed from the boundaries of survey no. 740 & 741 and to restrain the defendants for using the said road plaintiffs have filed present application. Therefore, they are prayed to reject the application.

3] Considering the rival contentions of both the sides, so also I have gone through the document placed on record, from it appears that, there is proceeding in respect of suit road was pending before the Tahsildar Pandharpur bearing S.R. No. 32/2020. In that proceeding Tahsildar Pandharpur passed final order as on 31.12.2021. Thereafter, the order of Tahsildar challenged before the Sub Divisional Officer Pandharpur bearing Revision no. 28/2022, in that revision application Sub Divisional Officer Pandharpur has remanded the matter to the Tahsildar Pandharpur for reconsideration of earlier order passed by the Tahsildar. In short the dispute regarding the subject matter of the suit property is already pending before the Tahsildar Pandharpur. Considering this aspect so also in the present suit defendants have filed their say to the application for temporary injunction and ready to argue the matter. Therefore, there is no any circumstances arises before this Court to grant any status-quo order. Hence, following order.

ORDER

1. Application is filed
2. Plaintiff having liberty to argue temporary injunction filed below Exh. 05.

Pandharpur.

Date : 22.03.2022.

Sd/-

[A. P. Karad]

Jt. C.J.J.D, Pandharpur.

CERTIFICATE

I affirm that, the contents of this PDF file Judgment/Order are same word to word, as per the original Judgment / Order.

Court : Jt. C. J. J. D. Pandharpur

Name of Stenographer : M. P. Gheradi.

Date : 22.03.2022

Judgment/Order signed by
the Presiding Officer on : 22.03.2022

Judgment/Order uploaded on : 23.03.2022