

Regular Civil Suit No. 651/2023

Rekhabai Gulumkar vs. The Collector
CNR No. MHSO100014842023

ORDER BELOW EXH.23

The plaintiff has submitted the application that states-quo may be granted.

2. In short it is application that defendants are making construction of road illegally without boundary of the road as per the map of the road. But, defendants are intending to create road, therefore, status-quo may be granted.
3. Defendant No. 2 has submitted say below Exh.25 that the way is already in existence and it is bearing No. 98. Its survey is made prior to 20 years as per procedure. Road is under construction under scheme of Prime Minister Sadak Yojana by adopting procedure. The defendants had affixed a board in that regard from last one year. From that time, plaintiff has not taken objection. The work of road upto three levels is completed. It is useful for transportation. Therefore, application may be rejected.
4. I have heard learned advocate of plaintiff, defendant No. 2 and learned advocate of defendant No. 3 and 4. As per say of defendant No. 2, construction of road is completed up to third level. The road is in existence and it is useful for public between two villages. As per submission of learned advocate of plaintiff, without making boundary the approach way is

going from Survey No. 157 & 158. The way is in existence without the boundary of Vitthalwadi. But, defendants are creating approach way from boundary of Jambud village. Considering these facts, tomorrow is a public holiday of Gudhipadava. Hearing of both sides is necessary. However, considering urgency, if the construction work is stopped till 11.00 a.m. of 23.03.2023, no prejudice will be caused to defendants. On the other hand, prejudice will be caused to the plaintiff. Therefore, I pass the following order :-

ORDER

1. Defendants shall not make construction of the road to the extent of area of plaintiff till 23.03.2023 on condition that both sides shall submit their say and argue on Exh.5, without fail.
2. On request of learned advocate of plaintiff, considering urgency the Superintendent of this Court shall issue true copy of this order to the plaintiff.

Place - Malshiras.
Date - 21/03/2023.

(**U. V. Joshi**)
Civil Judge Senior Division,
Malshiras.