

RCS NO. 127/2026

Rajvardhan Vs. Shivaji.

ORDER BELOW EXH. 30

Date: 27/03/2026

The present application is filed by defendant No. 1 seeking stay to the order passed below Exh. 5 dated 24/03/2026, whereby this Court has granted temporary injunction in favour of the plaintiff and stayed implementation of the order passed by the Tahsildar, Malshiras in Road Case No. 31/2022 dated 24/12/2025.

2. Defendant No. 1 contends that he intends to prefer an appeal before the District Court and, therefore, interim protection is necessary. It is further contended that, if the stay is not granted, he will suffer irreparable loss due to lack of road access.

3. The plaintiff has strongly opposed the application contending that the order below Exh. 5 is passed on merits after due consideration of the material on record. It is submitted that this Court cannot stay its own reasoned order. It is further contended that no irreparable loss would be caused to defendant No. 1, whereas grant of stay would enable him to illegally interfere with plaintiff's possession and create new way from the fields of the plaintiffs.

4. It is not in dispute that this Court, after hearing both sides and considering the material on record, has passed a reasoned order below Exh. 5, granting temporary injunction in favour of the plaintiff. The ground that defendant No. 1 wants to challenge the order cannot be accepted as a valid

ground to stay the said order. He has every right to approach the Appellate Court.

5. It is important to note that the order below Exh. 5 is purely prohibitory in nature, restraining defendant No. 1 from disturbing the possession of the plaintiff and maintaining status quo. This Court has stayed implementation of the order passed by the Tahsildar, Malshiras in Road Case No. 31/2022 dated 24/12/2025. The said order does not direct defendant No. 1 to perform any positive act, nor does it require execution in the strict sense. Thus, no work is required to be done pursuant to the said order, and no execution proceedings are necessary for its enforcement. The order merely ensures preservation of the properties.

6. In such circumstances, the apprehension of loss expressed by defendant No. 1 is illusory and without substance, as the order does not impose any actionable burden upon him.

7. When the order itself does not require execution and only preserves status quo, granting stay would defeat the very purpose of the injunction and permit alteration of the existing situation. Hence, I pass following order.

ORDER

Application is rejected.

Date: 27/03/2026

(U.B. Pethe)

Jt. Civil Judge, Junior Division, Malshiras

