

MHSO110019842026



R.C.S./474/2026

Laxman Sopan Dudhal Vs. Dhananjay Shrirang Shende

ORDER BELOW EXH. 05

This is an application filed by the plaintiff under Order 39 rule 1 and 2 of the Code of Civil Procedure, for restraining defendant from creating way from the field of the plaintiff by taking disadvantage of the order passed by the Ld. Tahsildar, Malshiras.

02] Today Ld. advocate for plaintiff appeared and prayed for ex-parte temporary injunction against the defendant.

03] In short, it is the case of the plaintiff that, present defendant had filed an application under the Mamletdar Act, before Ld. Tahsildar Malshiras for granting way from the field of the plaintiff.

04] It is the submission of the plaintiff that, his field Block No. 595/1 and 595/2 are situated at Phondshiras, Tal. Malshiras, District Solapur. Ld. Tahsildar passed an order and granted way from his field. The plaintiff also filed letter issued by Ld. Tahsildar to Superintendent of Police Solapur for granting police aid for creating way from the field of plaintiff. On perusal of said letter, it appears that the Tahsildar Malshiras issued letter to superintendent of police to providing police aid on 10.06.2026.

05] In the present suit the order passed by Ld. Tahsildar has been challenged by the plaintiff on various grounds. When the order of Ld.

Tahsildar is challenged in this suit, the execution of the same needs to be stayed till decision of the application of temporary injunction. Hence, considering above facts and circumstances, I am of view that in order to preserve the status of the property ad interim ex-party injunction needs to be granted in favour of the plaintiff. Hence, I pass following order :

ORDER

- A) Issue ex-parte temporary injunction to restrain the defendant from creating way from the field of the plaintiff till he appear and file his say to the application for temporary injunction.
- B) Issue show cause notice to the defendant as to why ex-parte injunction should not be continued till further order or specified time.
- C) Special Bailiff and Emergent Process are allowed, if any.
- D) The plaintiffs shall comply with the provisions of Order 39 of Rule 3(a) of the Civil Procedure Code.

Date: 09/06/2026

(R. D. Shinde)
Judicial Magistrate First Class
(Court No. 4) Malshiras.

C E R T I F I C A T E

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

Name of the Court : 4th Jt. C.J.J.D & J.M.F.C., Malshiras.

Name of Stenographer : Praveen Nagnath Nalla

Order signed by the Presiding Officer on : 09 / 06 / 2026.

Order uploaded on : 09 / 06 / 2026.