

ORDER BELOW APPLICATION EXH. 7

1. The present application is filed by plaintiffs seeking grant of order of status-quo against the defendant to maintain condition of the suit property bearing Gat No. 82/2 situated at Wangarwadi, Tal. Barshi.
2. Today matter was posted for first hearing however, the defendant through his Ld. Advocate appeared suo-moto and sought time for filing of say at Exh. 5 and W.S. Say of Ld. Advocate for defendant was called upon the present application. He has filed say overleaf and objected the present application.
3. Heard, Ld. Advocates for both sides. Perused the record.
4. On perusal it appears that, Tahsildar passed an order vide SR No. 50/2025 on 24/02/2026 and allowed removal of obstruction on the road used to access Gat No. 82/1. Gat No. 82/1 is admittedly owned by the defendant. On perusal of order of Tahsildar it appears that, though he has ordered removal of obstruction in the road used to access Gat No. 82/1, exact location of the said obstruction is not mentioned. It can not be ascertained as to where the obstruction sought to be removed is present. Ld. Advocate for the plaintiff has filed an affidavit in support of present application of the plaintiff wherein it is mentioned that, defendant has applied for removal of said obstruction in aid of police protection and accordingly police have started the procedure for the same.
5. In view of the order of Tahsildar if vide police protection said order is sought to be executed without ascertaining exact location of

said obstruction, there is possibility that adjoining land holders alongwith the plaintiffs are affected by the same. Vide the present suit the plaintiff has claimed that, order of Tahsildar in S.R. No. 50/2025 be declared null & void and defendant be restrained from creation of new road on basis of said order. Now the plaintiffs apprehends that on basis of the said order defendant will create road which did not ever exists. It is prayed that, on basis of the order if the road is wrongly created it will cause irreparable loss to the plaintiffs.

6. It is important to note here that, from the spot inspection panchnama conducted by the Tahsildar, Barshi it appears that, it is mentioned therein that, there is no road on boundaries between Gat No. 82 and 83. Thus it is unclear as to where exactly the disturbance or obstruction is created by the plaintiffs. The present contentions of the plaintiff are also supported by an affidavit. If any road created by the defendants on basis of such vague and unclear order, it will cause unnecessary hardships to the plaintiff and complications in the present matter.

7. Therefore, having perused the entire record and for the above mentioned reasons I am of the opinion that, if any road on basis of such vague order is sought to be made it will unnecessary create complications in the present matter and also will potentially affect rights of plaintiffs and other adjoining land holders. However, at the same time the rights of defendant are also to be taken in to consideration and matter needs to be fixed on a earlier date not beyond one week. Thus, owing to this reasons I am inclined to pass the following order.

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RCS No. 308/2026
Rajesh & Ors. Vs. Baban

ORDER

Both the parties shall maintain status of the suit property bearing Gat No. 82/1 and 82/2 situated at Wangarwadi, Tal, Barshi, Dist. Solapur till 09/06/2026.

Sd/-

(Smt. Revati P. Bagade)

Date: 04/06/2026

I/c. 4th Jt. Civil Judge, J.D. Barshi.

CERTIFICATE

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

(a)	Name of the Stenographer	:	S.V. Kokate (Grade III)
(b)	Court	:	Smt. R.P. Bagade 4 ^h Jt. Civil Judge, J.D.& J.M.F.C.Barshi
(c)	Judgment /Order signed by P.O. on	:	04/06/2026
(d)	Judgment /Order uploaded on	:	04/06/2026