

**ORDER BELOW EXH.22**

This application is filed by defendants stating that present suit be kept on day to day board and be tried with priority. It is submitted in this application that the defendant no.2 moved an application to vacate the order of status quo passed on Exh.15. Hence, it is necessary to keep this matter on day to day board.

2. Plaintiffs filed their say at Exh.31 and contended therein that the present application filed by the defendants seeking day-to-day hearing is wholly misconceived, untenable and not maintainable in law. No exceptional or extraordinary circumstances are shown by the defendants which would justify conducting the matter on a day-to-day basis. Mere allegation of urgency is not sufficient ground. The Hon'ble Court has already granted a specific date i.e. 07.05.2026 for hearing of the matter, which is reasonable and proper considering the stage of the suit. The relief of day-to-day hearing is not a matter of right and can be granted only in rare and exceptional cases. The present suit being a regular civil suit does not fall within such category. The Hon'ble Court is burdened with heavy board and pendency of old matters, and therefore it is practically not feasible to conduct day-to-day hearing in the present matter.

3. They further contended that, conducting day-to-day hearing would cause serious prejudice to the plaintiffs, as adequate opportunity to prepare, produce documents and conduct arguments will be adversely affected. The defendants have filed the present application only with an intention to pressurize the plaintiffs and to somehow get the status quo order vacated, and not for genuine urgency. The plaintiffs are always ready and willing to proceed with the matter on the scheduled date and there is no delay on their part. The application is nothing but an abuse of process of law and deserves to be rejected with costs.

4. Today, I asked the learned advocate of the defendants to argue on this application. He submitted that “today I have arrived here for obtaining order on Exh.5.” Hence, considering the application itself as his argument, I am proceeding further. I have read and considered the written argument on behalf of the plaintiff, which is at Exh.32. Order XVII, Rule 1 of the CPC limits adjournments and emphasizes continuous hearing once examination of witnesses begins. Order XVIII, Rule 2 and 4 of the CPC contemplates continuous recording of evidence and hearing. Proviso to Order XVII, Rule 2 of the CPC and judicial principles in this regard enumerates that once the trial has commenced, particularly when witnesses are present, the matter should ordinarily proceed from day to day. It ultimately means that the most important statutory mandate is – when the hearing of the suit has once began, the hearing shall be continued from day to day until all the witnesses in attendance have been examined. It is pertinent to note that the present matter is pending for hearing on Exh.5 which is an application for temporary injunction. It will take considerable time organically for this matter for recording of evidence. At present, no circumstances are made out to keep this matter on day to day board in my considered opinion. Hence, in the light of above mentioned provisions, I am of the opinion that there is no need to keep this matter on day to day board. Accordingly, I proceed to pass the following order -

**ORDER**

Application is rejected.

Date: 07/05/2026  
Place: Karmala

(Smt.S.P. Kulkarni)  
2<sup>nd</sup> Jt. Civil Judge J.D., Karmala.