

Order Below Exh.35

Passed on 18/05/2026)

1. Present application is filed on behalf of plaintiffs for grant of status quo. It is contention of plaintiffs that in view of order passed by Tahasildar in case no.2/5/SR45/2023 dated 20/03/2025 and in view of review application decided by SDO Kurduwadi in review application number 3/2025 dated 29/08/2025. The Circle Officer issued notice to plaintiffs on 12/05/2026 Bearing Outward Number 73/2025 and tried to create way in the suit property on 19/05/2026 with the aid of Police. Therefore, the present application is filed by plaintiff and the ld counsel for plaintiff prayed for grant of status quo till the decision of Exh.05.

2. The Ld counsel for defendant Shri. S.J. Kshirsagar absent when called but defendant No.2 present before court. He filed on record at Exh. 41 reply to application below Exh.35 and at Exh.43. He filed written argument on record. It is contention of defendant that present matter was pending for hearing for Exh.05. The Ld counsel for plaintiff avoiding hearing of Exh.05. At Exh.15 behind back of defendants he moved application for grant of status quo which was allowed by this court and at Exh.18 after filing application by defendant the status quo order passed below Exh.15 was vacated. It is contention of defendant that there is no urgency as prayed by plaintiff. Therefore, he prayed for rejection for present application.

3. Perused application below Exh.35, say filed below Exh.41. Heard Ld counsel Shri. R. S. Halnor for plaintiffs and the Ld counsel for defendant No.2 Shri S.J. Kshirsagar absent when called. Defendant no.2

present before court. I have gone through the reply and argument filed on behalf of defendant no.2.

4. The present suit is filed by plaintiffs against defendants for declaration and permanent injunction. In present suit plaintiff challenge the order passed by Tahasildar in case no. Jama-2/5/SR45/2023 dated 20/03/2025 that the order passed by Tahasildar is declared as null and void and not binding upon the plaintiffs and by way of permanent injunction defendants be restrained from creating new way in the suit property. In present suit it is contention of plaintiffs that SDO Kurduwadi dismissed the revision application filed by plaintiffs on dated 29/08/2025.

5. It reveals from record that at Exh.15 plaintiffs filed status quo application which was allowed by this court. By passing order below Exh.18 the status quo order passed below Exh.15 was vacated. It reveals from record that matter is pending for hearing of Exh.5.

6. Today it is the contention of ld counsel for plaintiffs that in view of order passed by Tahasildar the Circle Officer issued notice to plaintiffs on 12/05/2026. In the said notice it is mention that with the aid of police defendants will execute the order of Tahasildar on 19/05/2026. In present suit the order passed by Tahasildar is challenged by plaintiffs. Case is pending for pending of Exh.5. This court is in charge court and summer vacations are going on. It is just and proper to decide the application below Exh.5 after hearing both the parties on merits. But today the ld counsel for defendants is absent. Defendant no.2 submitted that his counsel is out of station due to summer vacation. Therefore, he prayed for rejection of present application. On the contrary it is contention of ld counsel for plaintiffs that if status quo

is not granted Circle Officer with the help of police execute the order of Tahasildar due to which the purpose of filing suit will become infractous. Therefore, taking into consideration the factual position of record it is just and proper to direct both the parties to maintain the status quo till next date i.e. 25/05/2026. After resuming charge by regular court the application below Exh.5 will be decided on merits. Till that time if both parties were directed to maintain the status quo then no prejudice will cause to both parties. On the other hand if status quo order is not granted then Circle Officer will execute order of Tahasildar on 19/05/2026 then the very purpose of filing suit will become infractous. Therefore, after taking into consideration the facts and circumstance of present case I proceed to pass the following order.

Order

1. Application below Exh.35 is allowed.
2. Both parties are directed to maintain status quo with respect to suit property till 25/05/2026.
3. The Circle Officer, Kem, Tal. Karmala, Dist. Solapur is directed not to execute the order passed by Tahasildar in Jama-2/5/SR45/2023 dated 20/03/2025 till next dated.
4. Both parties and their advocates are directed to remain present before court on 25/05/2026 and to argue Exh.05 on merits without fail. If they failed to argue on Exh.5 then suitable order will be passed again them of which they must take special note.

Date:-18/05/2026
Place:-Karmala

(A.K.Sharma)
I/c 2nd Jt.Civil Judge, Junior Divisoin,
Karmala.