

**ORDER BELOW EXH.15**

Present application is filed by the plaintiffs for claiming the relief of status quo against the defendants no.1 and 2 that they should not create new road as per the order of SDO, Kurduwadi passed in review application no.03/2025 dtd.29.08.2025. It is submitted on behalf of the plaintiffs that the suit is filed for seeking injunction against the defendants that they should not disturb the peaceful possession of the plaintiffs in the suit property and they should not create new road as per the order of SDO, Kurduwadi passed in review application no.03/2025 dtd.29.08.2025. It is also prayed in the suit that it be declared that the orders regarding said alleged road are not binding on the plaintiffs. Suit is pending for hearing of the application for temporary injunction which is at Exh.5. Next date is 07.05.2026. Still the defendants are attempting to execute the order of SDO, Kurduwadi passed in review application no.03/2025 dtd.29.08.2025. They have also applied for seeking police aid, so that plaintiffs could not obstruct in the execution. In absence of any kind of injunction order of the court in respect of order of the SDO, Kurduwadi passed in review application no.03/2025 dtd.29.08.2025, said order will be executed on 30.03.2026. If that order is at all executed as scheduled on 30.03.2026, the plaintiffs are going to suffer irreparable loss. Hence, they are constrained to move this application.

2. Defendants filed their say at Exh.17 and contended therein that the application contains false and baseless allegations. The plaintiffs have moved this application by concealing the ground reality. Defendants are the owners and possessors of Gat no.136. Gat no.136, 140, 141, 139, 138, 137 were the agricultural properties originally by Fartade family. The defendants are using one road which passes through Gat no.137 and which is situated at North-South embankment of Gat no.139/1 which is 15 feet wide since last 70-80 years. The defendants are using this road as they don't have any other optional road. In road case no.जमा २/५/एस.आर.४५/२३, on 20.03.2024 the Tahsildar after examining all the relevant evidence and actual spot inspection, issued an order to remove the obstructions on the alleged road. Plaintiffs moved appeal against said order before SDO, Kurduwadi. It was dismissed on 29.08.2025. Plaintiffs have themselves obstructed the road by pouring soil on the alleged road. Which means that they themselves have done an illegal act. Therefore,

they are not entitled to the relief they are claiming. There is no optional road as suggested by the plaintiffs which passes through Gat no.120. In fact there exists one water body. Therefore, that claim is false. If this application is allowed, the defendants would be unable to visit their own agricultural land Gat no.136. They could not harvest the crop which is standing in their field and the sole source of income of the family of the defendants would disappear. Therefore, the defendants would suffer irreparable loss. Balance of convenience is in favour of defendants. Ultimately they prayed for rejection of this application with costs. They have also prayed that they should not be obstructed from using the road which was made obstruction free due to order of revenue authority.

3. Heard both sides. Perused the record. Suit is filed for perpetual injunction along with declaration that the order of SDO, Kurduwadi passed in review application no.03/2025 dtd.29.08.2025 is illegal and not binding on plaintiff. If due to absence of any order of this court, the order of SDO, Kurduwadi passed in review application no.03/2025 dtd.29.08.2025 will be executed then the suit itself would become infructuous as the subject matter of the suit itself would not exist. It certainly is going to give rise to multiplicity of proceedings. The grievance of the plaintiffs would abruptly fail without getting an opportunity to prove their claim. To avoid this disaster, I am of the opinion that subject matter of the suit should be protected by way of interim order at this stage. Accordingly, I proceed to pass the following order -

**ORDER**

Application is allowed and both parties are directed to maintain status quo, till final decision of the application at Exh.5.

Date: 25/03/2026  
Place: Karmala

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