

**REGULAR. CIVIL APPEAL NO. 5 OF 2026**  
(CNR NO. MHST-01-000072-2026)

**ORDER BELOW EXH. 5**  
(Passed on 24.02.2026)

01] This is an appeal preferred by original plaintiff against the impugned judgment and decree passed in Regular Civil Suit No. 340 of 2003 by Ld. Jt. Civil Judge, Junior Division, Phaltan on 29.12.2025. In this appeal appellant has preferred this temporary injunction application at Exh.5 and prayed for interim stay to the execution of impugned judgment and decree. By the impugned judgment and decree, Ld. Trial Court has decreed counter claim of original defendant no.2 and further directed to plaintiff to handover vacant possession of South-East corner area admeasuring 64 Sq. feet (5.94 Sq.Mtr.) bearing 8 x 8 feet xerox shop of City Survey No.4171 to the counter claimant i.e. defendant no.2 Padmavati Murlidhar Lohana within a period of two months.

02] This is first appeal against impugned judgment and decree. It is statutory right granted to the appellant. Considering nature of the above mentioned impugned judgment and order, if execution of said impugned judgment and decree is not stayed then whole purpose of appeal will be frustrated.

03] Hence, I proceed to pass following order.

**ORDER**

[1] Execution of impugned judgment and decree passed in Regular Civil Suit No. 340/2003 passed by Ld. Jt. Civil Judge,

Junior Division, Phaltan dtd. 29.12.2025 is hereby stayed till next date.

[2] Appellant is directed to comply Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 scrupulously.

[3] E. P & S. B. allowed.

**Phaltan.**

**Date : 24.02.2026**

**(R. S. Patil-Bhosale)**  
**District Judge-1, Phaltan**