

ORDER BELOW EXH.28 IN MISC. CIVIL APPEAL NO. 94 OF 2024
(CNR NO. MHST21-002692-2024)

(Manish Chandrashekhar Pawar & Ors. Vs. Ashok shamrao Sutar & Ors.)

The appellant have challenged the order dtd. 19.02.2024 below Exh. 5 in R.C.S.No. 98/2024 passed by the IV Jt. Civil Judge, Junior Division, Phaltan. The respondents had filed caveat application no. 25/2024. Due to this caveat application, notice of the interim application was issued to the respondents. The appellants have sought permission to issue notice by R.P.A.D. which were issued in the postal articles, received back in this Court which are annexed in the proceeding. These postal articles returned with the remarks as, " सदर मालक घेत नाही पाठविणारास परत दि.२६.०३.२०२५", "Refused, घेण्यास नकार दि.२५.०३.२०२५", " इंटी २२.०३.२०२५(सही) इंटी २४.०३.२०२५ (सही) मुदतीत स्विकारले नाही पाठविणारास परत दि.२९.०३.२०२५" and "Refused", respectively.

02. From the documents annexed with list of documents Exh. 30, it appears that the respondents had applied before the Tahsildar for removal of the obstruction in their cultivation of the suit land. The Circle Officer of the village Rajale, Tq. Phaltan had visited the land Gat no. 207/1 on 26.12.2024 and found that the disputed land is adjacent to the Aalandi-Pandharpur road towards Southern direction wherein the onion has been cultivated. The crop of corns was found cultivate towards West. As per information given by the panch witnesses the said crops were cultivated by Pushpavati Dilip Pawar i.e. the appellant. In view of this panchanama, it is clear that the land adjacent to the Aalandi-Pandharpur road is found in possession of the appellant no. 3

Pushpabai @ Pushpavati Dilip Pawar. Even in such factual situation on the spot, the respondents have filed application before the Ld. IV Jt. Civil Judge, Junior Division, Phaltan with submission that the said Court has decided the application Exh. 5 in their favour. They had tried to assuage the defendants i.e. the appellants but in vain and therefore they again prayed to restrain the appellants-defendants not to obstruct in their cultivation and also in harvesting the crops. The said prayer was sought for with the help of police by application dtd. 04.03.2025.

03. The next date in the proceeding before the IV Jt. Civil Judge, Junior Division, Phaltan is fixed on 08.04.2025 as submitted by the Ld. Advocate for the appellants. In view of the above factual situation, I am inclined to consider the same to direct the respondents to maintain the status quo of the said land as it was noticed by the concerned Revenue Officer dtd. 16.12.2024 and also to stay the hearing of application on 04.03.2025 before the IV Jt. Civil Judge, Junior Division, Phaltan in R.C.S.No. 98/2024. Hence, I pass the following order.

ORDER

[1] The respondents are hereby directed to maintain status quo of the land Gat no. 207/1, 207/2, 207/3 as it was noticed on dtd. 16.12.2024 by the Revenue Officer in presence of the panch witnesses.

[2] The further proceeding particularly hearing on the application dtd. 04.03.2025 filed by the plaintiffs/respondents before the IV Jt. Civil Judge, Junior Division, Phaltan is stayed till further order.

[3] Issue notice to the respondents that why this order should not be confirmed.

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

[5] Copy of this order to be communicated to the IV Jt. Civil Judge, Junior Division, Phaltan for compliance.

Phaltan.
Date : 07.04.2025

(Pravin V. Chatur)
District Judge-1, Phaltan.