

ORDER BELOW EXH. No.10 in RCS No. 14/2026

(Kisan Vithoba Khorane and another Vs. Gram Panchayat Vanoja)

1. Heard learned Advocate P. P. Bansod for the plaintiffs/applicants. Perused the application, the plaint, and the record.
2. The present suit is for perpetual injunction in respect of the suit property situated at Mouje Vanoja, Tal. Mangrulpir, Dist. Washim, near southern side of Tank adjoining Gat No. 183. Along with the suit, the plaintiffs have already filed Exh.5 seeking temporary injunction restraining the defendant Gram Panchayat from removing the alleged encroachment/structures and from causing obstruction.
3. This Court has already passed a detailed order below Exh.5 dated 10/02/2026, wherein show cause notice was issued to the defendant and the matter was kept returnable on 07/03/2026, and ad-interim ex parte injunction was refused, for the reasons recorded therein, particularly that the relief sought would restrain a statutory local body from acting regarding alleged encroachment on/near public property, an ex parte restraint may have serious civil consequences and may affect public interest, and rival contentions require consideration after hearing the defendant.
4. The present application seeks an order to maintain “status quo” till the defendant appears. On its plain reading, the relief prayed is in substance a temporary restraint order, i.e., it operates as an ad-interim injunction. Merely describing it as “status quo” does not change its nature. What was declined directly at Exh.5 cannot be granted indirectly under another label.
5. The plaintiffs contend that the defendant has issued a notice dated 27/02/2026 granting 7 days time and the period expires on 05/03/2026, and therefore there is apprehension of removal prior to the returnable date. However, the record shows that this Court has already

followed due process by issuing show cause notice on Exh.5 and fixing the matter on 07/03/2026. At this stage, without hearing the defendant, this Court cannot pass a restraint order against the Gram Panchayat in relation to alleged encroachment, particularly when the earlier order has already held that ex parte restraint is not warranted on the material then placed.

6. The present application does not disclose any such exceptional circumstance or additional material of a nature that would compel this Court to depart from the earlier reasoning recorded in the order dated 10/02/2026. Grant of the relief prayed would virtually amount to review/overriding the earlier refusal of ad-interim ex parte injunction, which is impermissible in the present form.

7. The plaintiffs are at liberty to move for urgent hearing/ advancement of Exh.5 by following due procedure, if so advised, but the discretionary and equitable relief of ex parte restraint cannot be granted in the facts and circumstances of the case. Hence, I proceed to pass following order.

ORDER

1. The application below Exh. 10 for maintaining “status quo” is rejected.
2. Parties to appear as per the returnable date already fixed on Exh.5 i.e. 07/03/2026.

Pronounced in open Court.

Dated 04/03/2026

(Khwaja C. Kalal)
Jt. C. J. J. D., Mangrulpir
Tal. Mangrulpir, Dist. Washim

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.

Name of Court	:-	Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Mangrulpir, Dist. Washim.
Presiding Officer	:-	Khwaja C. Kalal
Judgment uploaded by	:-	Shri. S. S. Rathod (Jr. Clerk)
Date of Judgment	:-	04/03/2026
Judgment/Order signed by the presiding officer on	:-	04/03/2026
Judgment/Order uploaded on	:-	04/03/2026