

Order below Exh.15

1] Perused the application. Heard advocate Shri. Undal and Shri.Girdekar appearing for the plaintiffs and the defendant no.1 respectively.

2] In this case, the plaintiffs have filed the suit for injunction and also preferred an application below Exh.5. The plaintiffs are now praying for the order of status-quo. It is the contention of the plaintiffs that the defendants are going to create the way from his field and if the way is created then the suit would be infractous. He strongly prayed for the order of status-quo. On the other hand, the learned advocate Shri. Girdekar opposed the application on the ground that his client has not deposited the charges and without depositing the charges the way will not be cleared by the Tahsildar(defendant no.2). He submitted that the application be rejected.

3] In this case, it is apparent that the plaintiffs are litigating for the injunction order. The defendant nos.1 to 3 are served and the defendant nos.1 and 2 appeared in this case. The defendant no.3 failed to appear in-spite of service of notice. No service of notice is effected on defendant no.4. The circumstances of the case shows that the Tahsildar had already passed the order and granted the way to defendant no.1. It is also clear that the defendants are interested in making the way from the field of plaintiffs.

4] The plaintiffs filed the notice issued by Tahsildar. He has also filed one order dated 06/09/2021 wherein it is shown that the

department is going to clear the way on 08/09/2021. There is a typing mistake but it is apparent that the order is passed on 06/09/2021. All the acts of defendants show that they are going to create the way from the field of plaintiffs. Today, the defendant no.1 appeared but he filed an application for grant of time to file say. The defendant no.2 also prayed for time. The defendant no.3 did not appear in spite of service of notice and there is no service to defendant no.4. In such circumstances, the status-quo order is required to be passed against the defendant nos.1 to 3 only. No order can be passed against the defendant no.4 as Section 80(2) of the Code of Civil Procedure mandates it that the injunction order only can be passed after reasonable opportunity of hearing is given to other side. In result, I am inclined to pass the following order.

ORDER

- 1] The status-quo application is hereby allowed.
- 2] The parties i.e., the plaintiffs and the defendant nos.1 to 3 are hereby directed to maintain the position as it is till next date.
- 3] No order as to costs.
- 4] The status-quo order shall be effective only after its communication to defendants.
- 5] The plaintiffs to take the efforts to communicate the order to defendant nos.1 to 3.

Sd/-

(V.S.Khot)

Civil Judge Senior Division,
Mangrulpir.

Dt. 07/09/2021

<u>CERTIFICATE</u>		
I affirm that the contents of this PDF file order are same word to word, as per original judgment.		
1)	Name of Stenographer	:- R.K.Pawar, Stenographer
2)	Name of Court	:- Civil Judge (S.D.), Mangrulpir.
3)	Date	:- 07/09/2021
4)	Order signed by the presiding officer on	:- 07/09/2021
5)	Order uploaded on	:- 08/09/2021