

MHJN020011752026



R.C.S No.383/2026

Namdev Rathod & ors. **Vs** Uttam Rathod
& ors.

ORDER BELOW EXH.6

Perused the application, the plaint, and the documents placed on record. Heard the learned Advocate appearing for the plaintiffs and defendant no. 1 to 4. By way of present application, plaintiffs seek order of status quo restraining the defendants from obstructing plaintiffs from using the ***disputed road***. The concerned defendants have filled say and objected the application on ground that, there is no such obstruction from using road. The defendants disputed the ownership of plaintiffs. Filled on record copy of NC. Heard.

02. Perused the documents on record. The revenue record, including the 7/12 extract, prima facie indicates the plaintiffs' possession in respect of suit property. The photographs produced on record also prima facie disclose the disputed road, thereby indicating interference with the plaintiffs' alleged possession.

03. I have carefully perused the material placed on record. The present suit is one for perpetual injunction. The plaintiffs have sought interim relief restraining Defendants from obstructing their use of the disputed road. In their say, Defendant Nos. 1 to 4 have categorically stated that they have never obstructed the plaintiffs from using the disputed road. This prima facie indicates that they are not asserting any right, title, or interest over the said road. In such circumstances, even if an injunction is granted, no prima facie prejudice or irreparable loss would be caused to Defendant Nos. 1 to 4. On the other hand, if ad interim protection is refused at this stage, the very object of instituting the present suit may be frustrated, and the suit itself may ultimately become infructuous.

04. In these circumstances, this Court is of the opinion that the balance of convenience lies in favour of granting limited ad interim protection to the plaintiffs for limited period. Hence, I pass following order-

Order

1.	Application (EX.06) is hereby allowed.
2.	Defendant no. 1 to 4 are temporarily restrained from obstructing the Plaintiff while using disputed road.

Date:- 07/08/2026

(Smt. H.Y Kawale)
Joint Civil Judge Junior Division,
Jalna.

CERTIFICATE

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

Name of Stenographer	Ahmad Shaikhh
Name of Court	Joint Civil Judge Junior Division, Jalna
Date of decision	07.08.2026
Order signed by the P.O. on	07.08.2026
Date of PDF & Uploaded on	07.08.2026