

Sagar Construction Company
Vs.
Swami Vivekanand Co-operative Housing Society Ltd.

ORDER BELOW APPLICATION DATED 23.12.2025 AT EXH.29.

The defendant is praying to stay the execution and operation of order dated 22.12.2025 for a period of six weeks. As per defendant this Court has allowed the application for temporary injunction at Exh.5 in favour of plaintiff and the said order is to be challenged before the Hon'ble High Court. As per defendant some time is required to obtain certified copy of the order and to draft Appeal. Application is opposed by plaintiff. As per plaintiff instant application is not tenable and that Court has already rejected the ad-interim application of the defendant on 11.04.2025 in the Spl.C.S. No.525/2025 which was not yet challenged by defendant.

2. As per defendant in view of provision of Order 43 read with Section 151 of the CPC, the order on interim relief application at Exh.5 is a decree and therefore, the stay could be granted. On the other hand, as per Ld. Counsel for plaintiff the order was not executable and therefore, was not a decree within the meaning of Section 2(2) of the CPC and in view of Order 41 Rule 5 of the CPC stay to the execution and operation of order dated 22.12.2025 below Exh.5 cannot be granted.

3. Certainly, the order of Court below the application for temporary injunction is not a decree. It is not the case that, the Court as a rule cannot grant stay to the effect of any interim order. Each case has to be decided on its own facts and merits. The present case is interconnected with another suit i.e. Spl.C.S.No.525/2025. The present defendant was a

plaintiff in that suit. His application at Exh.5 in that suit to restrain present plaintiff, who is defendant in that suit, already been rejected. The effect of allowing present application dated 23.12.2025 may amount to setting aside once own order passed below Exh.5 in that suit as well as in present suit. The Court has already considered all the points including the factum of irreparable loss and balance of convenience and accordingly considering the prima-facie case of plaintiff, the relief is granted to him. Now, the said order cannot be varied. Hence, application is rejected.

Date - 24.12.2025.

(K. R. Singhel)
4th Jt. Civil Judge Sr. Div., Pune.

CERTIFICATE

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

Name of Steno :- S. R. Kamble (Stenographer Grade-III)

Court Name :- Shri. K. R. Singhel,
4th Jt.C.J.S.D.Pune.

Date of Order :- 24.12.2025.

Order signed by presiding officer on :- 24.12.2025.

Order uploaded on :- 24.12.2025.