

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO.2427 OF 2023**

Bapu Barku Kadam  
Deceased, through L.Rs.  
Gayabai Bapu Kadam

.... Petitioner

Versus

Dropadabai Dnyandeo Kadam  
and others

.... Respondents

.....

Mr. S.D. Kotkar, Advocate for the Petitioner  
Ms. Manjushri Narwade, Advocate h/f Mr. V.P. Narwade,  
Advocate for respondent No.1

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19<sup>th</sup> APRIL, 2023

**ORDER :**

1. The petitioner is aggrieved by the order passed by the Trial Court dated 16/02/2023, thereby vacating the *status-quo* order passed in favour of the petitioner.

2. Heard the learned advocate for the petitioner and the learned advocate for the respondent No.1. Perused the memo of writ petition, annexures thereto and the impugned order.

3. By filing the suit, the petitioner has challenged the order passed by the Tahsildar in Rasta Case No.15 of 2015, in favour of the respondent. However, the Trial Court erroneously vacated the *status-quo* order by the impugned order.

It is further submitted that application Exhibit-5 is kept for final hearing on 25/04/2023.

4. Learned advocate for respondent No.1 vehemently opposed the petition, stating that respondents have no alternate way to approach their respective fields, and the Trial Court is justified in vacating the *status-quo* order.

5. Considering the fact that *status-quo* order was operating in favour of the petitioner since 16/01/2023, and as the application Exhibit-5 is kept for hearing on 25/04/2023, it is desirable to continue the *status-quo* order till 25/04/2023.

6. In the result, the writ petition is allowed.

7. The order of *status-quo* passed in favour of the petitioner shall continue to operate till 25/04/2023.

8. The trial Court shall decide the application Exhibit-5 on that day on its own merits and without being influenced by the continuation of *status-quo* order in favour of the petitioner.

9. Parties shall co-operate.

[ NITIN B. SURYAWANSHI ]  
JUDGE

S.P. Rane