



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

WRIT PETITION NO. 4721 OF 2025

Ishwar Govind Pathak And Others

.. Petitioners

Versus

Abhaykumar Gangadhar Barge And Another

.. Respondents

Mr. Sandip R. Andhale, Advocate for the Petitioners.

Mr. K. S. Patil, AGP for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 07th APRIL, 2025.

P C. :-

. The petitioners have approached this Court in peculiar facts challenging the order passed by the learned 2nd Joint Civil Judge Junior Division, Newasa dated 26.03.2025 thereby granting stay to its own order for fifteen days. The petitioners are the plaintiffs who have filed a suit for injunction against the respondent No. 1 – defendant from obstructing the use of the way by the plaintiffs to go to their land Gat No. 119 from the bund of land Gat No. 133 of village Bhende (Kr), Taluka Newasa. In the interim application the learned Trial Judge had allowed Exh. 32 application filed by the plaintiffs – petitioners directing the Police Inspector, Police Station, Newasa to provide police protection so that the plaintiffs can harvest and take sugarcane by using way from the eastern side of Gat No. 133.

2. The defendant filed an application stating that the defendant wants to challenge this order and therefore, sought stay to the order dated 20.03.2025. The learned Judge by way of impugned order granted stay to the said order for fifteen days and thus, the petitioners are before this Court.

3. The factual situation now expressed is that, the crushing season would end and the plaintiffs would not be able to supply the sugarcane, which is ready for harvest, to the factory. The learned advocate for the petitioners thus submits that, the time is running against the plaintiffs and if no relief is granted, the crop of this year could be wasted in case the sugarcane factory is closed down for next year.

4. Considering the above, issue notice to respondents, returnable on 28.04.2025. The learned A.G.P waives notice for respondent No. 2.

5. Till the next date, there shall be ad interim relief in terms of prayer clause (E).

6. The order dated 20.03.2025 passed below Exh. 32 stands revived. Police to grant protection as per order dated 20.03.2025.

7. Parties to act upon authenticate copy of this order.

(KISHORE C. SANT, J.)

PS.B.