

WRIT PETITION NO. 108 OF 2026

Popat Navnath Chavan And AnotherPetitioners

VERSUS

Manohar Pandurang Bhargande And AnotherRespondents

Mr. Rupesh Bobade, Advocate for Petitioners
Mr. Sachin Bhavar, Advocate for the respondents

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14th JANUARY, 2026

ORDER :

1. By this petition filed under Article 226 and 227 of the Constitution of India, petitioners challenge the order dated 02.01.2026 passed by District Judge-1, Barshi in Misc. Civil Appeal No. 59 of 2022 and order dated 31.10.2025 passed below Exhibit-5 by learned Civil Judge, Junior Division, Madha in R.C.S. No. 615 of 2025.
2. Respondents have approached the Tahsildar under Section 5(2) of the Mamlatdars' Courts Act, 1906 and sought direction against the petitioners that petitioner should remove the obstructions created by them on the customary way of the respondents. Tahsildar granted injunction to the petitioners to not to obstruct the respondents.
3. Petitioners then filed R.C.S. 615 of 2025 challenging the

decision of the Tahsildar and sought interim relief i.e. stay to the order passed by Tahsildar. The Trial Court as well as the First Appellate Court have rejected the injunction to the petitioners. Hence, the present petition.

4. Heard learned advocate for the petitioners and learned advocate for the respondent. Perused the documents placed on record.

5. Record indicates that though the respondents are co-sharers, petitioners have ploughed the customary way, which was used by the respondents to approach their fields. Tahsildar have conducted spot panchnama and after hearing the parties has rightly granted injunction against the petitioners.

6. The Trial Court as well as the First Appellate Court by reasoned orders refused to grant interim relief to the petitioners.

7. Petitioners have failed to prove prima facie case. Balance of convenience is not in favour of the petitioners. Petitioners could not prove that irreparable loss would be caused to them if injunction is not granted to them. On the contrary, if the injunction is granted in favour of the petitioners, irreparable loss would be caused to the respondents. There is no illegality or perversity in the orders passed by both the Courts. Writ petition being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)