

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1217 OF 2026**

Rameshwar Bhimrao Talekar And Anr.
VERSUS
Reshma Rajendra Pisal And Ors.

...
Mr. Shardul Diwan, Advocate for Petitioners.
...

CORAM : SACHIN S. DESHMUKH, J.
DATE : 18th MARCH, 2026.

P. C. :

1. The Petitioners raise an exception to the order rendered by the 2nd Joint Civil Judge Junior Division, Karmala dated 4th March, 2026 below Exhibit 28, by which the interim protection is granted till the appeal is presented and the said order will be in a vogue till 25th March, 2026.
2. The petitioners herein are the original defendants while the respondents are the original plaintiffs. The plaintiff preferred an application under Order XLI, Rule 5(2), Order XLIII Rule 2 and Section 151 of the Code of Civil Procedure (hereinafter referred to as "CPC") seeking temporary injunction to the effect that the defendant Nos.1 and 2 i.e. Petitioners herein should not construct any road till the filing of the appeal and prayed for status quo.

3. The learned trial Court after hearing litigating sides and considering the material on record noted that the plaintiffs had a statutory right to present an appeal against its order and to meet the ends of justice as well as to avoid the multiplicity of proceedings, passed the order under challenge, thereby granting stay to its order passed below Exhibit-5 till 25.03.2026. Raising an exception to the same, the Petitioners/Defendants have approached this Court under Article 227 of the Constitution of India.

4. Learned counsel for the Petitioners submits that the order under challenge is bad in law and that the trial Court has exceeded its jurisdiction and wrongly exercised the inherent powers of the Court under Section 151 of the CPC.

5. Having heard the learned counsel for the Petitioners at length and upon perusal of the order indicates that the trial Court without prejudice to the parties has passed the order under challenge. Pertinently, the stay so granted is confined only till 25.03.2026, which would facilitate the plaintiff to file an appeal against the order passed below Exhibit-5. Thus, the said order is a protective measure granted to the plaintiff only till filing of the appeal and the same is confined to a particular period and in any case is aimed to

subserve the ends of justice. As such, the contention of the Petitioners that the order under challenge is unsustainable cannot be accepted.

6. In that view of the matter, this Court finds that no error has been committed by the concerned Court while exercising discretion and allowing the Application.

7. Resultantly, the Petition sans merit and the same is dismissed.

[SACHIN S. DESHMUKH, J.]