

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1292 OF 2026

Somnath Ramhari Gawade and Ors ..Petitioners
Versus
Dilip Shivram Nagare and Ors ...Respondents

Mr. Sushant Prabhune, for the petitioner.

CORAM: N. J. JAMADAR, J.
DATE : 02nd FEBRUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order dated 05th January, 2026 passed by the learned District Judge in Miscellaneous Civil Appeal No. 01/2026 whereby the learned District Judge declined to grant an ex-parte ad-interim injunction, during the pendency of the Miscellaneous Civil Appeal.
3. The Miscellaneous Civil Appeal is preferred against an order dated 03rd January, 2026 passed by the learned Civil Judge, Baramati, whereby an application preferred by the petitioners for grant of status-quo in respect of the order dated 03rd December, 2025 passed by the Tahsildar under Section 143

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of the Maharashtra Land Revenue Code, 1966 in Rasta Case No. 143/SR/11/2025, came to be rejected.

4. In RCS No. 01/2026, the petitioners-plaintiffs have prayed for a declaration that, the order passed by the Tahsildar dated 03rd December, 2025 in Rasta Case No. 143/SR/11/2025 is illegal and for the consequential relief of injunction during the pendency of the said suit. The petitioners have taken out an application for temporary injunction. In addition, the petitioners filed the application for grant of status-quo.

5. By the order dated 03rd January, 2026, the learned Civil Judge rejected the application as at that point of time an appeal preferred by the petitioners against the order passed by the Tahsildar under Section 143 was subjudice before the Sub-Divisional Officer, Baramati and the learned Civil Judge was of the view that, the bar under Section 41 (ha) of the Specific Relief act, would come into play.

6. Mr. Prabhune, the learned Counsel for the petitioners submits that, the petitioners have withdrawn the said appeal filed before the Sub-Divisional Officer, Baramati and challenge to the order passed by the Tahsildar, survives only in the instant suit. The learned Counsel for the petitioners further submitted that, the State Government has issued a work order dated 22nd

December, 2025, in respect of the road which is proposed to be laid over the property of the plaintiffs and, therefore, the interim injunction is required to be granted.

7. Since the impugned orders are passed by the learned Civil Judge and the learned District Judge at an interim stage while an application for temporary injunction awaits adjudication before the Court of first instance, in exercise of writ jurisdiction, this Court does not find it expedient to entertain the petition.

8. The Court also finds that, the petitioners are aggrieved by the work order issued by the State Government dated 22nd December, 2025. It does not appear that, the State Government is a party defendant to the suit.

9. In these circumstances, the Court considers it appropriate to request the learned Civil Judge to hear and decide the application for temporary injunction as expeditiously as possible.

10. The Court is informed that, the application for temporary injunction is listed before the Trial Court today. If the said application is not heard today, the learned Civil Judge is requested to post the application for hearing in the next week, hear and decide the same as expeditiously as possible and

having regard to the exigency of the situation, preferably, within a period of two months from the next listing of the application.

11. At this stage, the learned Counsel for the petitioners submits that, the petitioners-plaintiffs will file an application to implead the State Government as a party defendant to the suit.

12. In the event such an application is filed, within a period of one week, the learned Civil Judge is requested to hear and decide the said application expeditiously.

13. The petition stands disposed.

[N. J. JAMADAR, J.]