

Order below Exh.61 in RCS No.280/2022

By this application plaintiff has requested to issue directions to defendants not to create obstruction in the property purchased by him and necessary police aid may be provided to place his belongings in the room, on the grounds mentioned in the application. The contents of application in short are:- That the plaintiff has filed present suit for declaration and perpetual injunction. That the Court by order dated 23/08/2023 has directed both the parties to maintain status-quo in respect of suit property till decision of the suit. Defendants are aware about the said order. Despite this, the defendants have started some activities to change the nature of suit property.

2. Plaintiff has filed contempt petition bearing No.7/2025 and on 10/12/2025 the defendants have entered their appearance in the said petition. On the same day the Court has recorded the cross-examination of defendant No.1 in Spl.CS No.37/2020 filed by him against present plaintiff. The defendants are aware that they will not get success in Spl.CS No.37/2020, have started giving trouble to plaintiff in the suit property. The defendants are attempting to dispossess plaintiff from the suit property and for that purpose the plaintiff has made police complaint. However, the police machinery have not taken any action against defendants.

3. On 30/12/2025, when plaintiff was out of station to attend a religious function, defendants took disadvantage of this fact and have entered the room of plaintiff in the suit property and have thrown all his belongings on the road. The defendants didn't paid any heed to the request of one of the disciple namely Dalavi Baba and after getting information of the said incident, the plaintiff has called the emergency number 112 and informed the police. On 31/12/2025, the plaintiff personally visited City Police Station, Shrirampur and lodged complaint about the incident but the police failed to take any action. Hence, the application.

4. Defendant Nos.1 to 3, 5 & 6 have filed their say at **Exh.67** and raised strong objections. The contents of their say in short are:- That the plaintiff is neither owner nor possessor of the suit property. The construction over suit property doesn't belongs to plaintiff. The plaintiff has no *prima facie* case and he has not approached this Court with clean hands and he has suppressed material facts from the Court. The plaintiff got executed the sale deed from Sudeshbai Guru Baleraaj Shastri Aradhya without paying any consideration to her.

5. The sale deed discloses the description of property as open space whereas, there is construction over it since long. Sudeshbai had no title and possession over the said property and the moment she came to know about the cheating of plaintiff, she has given a public notice in the

daily newspaper dated 10/11/2025. Since then, the plaintiff has started harassment of disciples of the Ashram by entering the rooms of female disciple without their permission and in spite of the fact that male disciple have no authority to enter those rooms.

6. There are several male disciples in the Ashram and they have separate accommodation. Defendants are looking after small children residing in the Ashram and the plaintiff is not the head of said Ashram. Plaintiff is committing illegal acts in the Ashram and he is creating terror amongst other disciple of the Ashram. Plaintiff is intentionally avoiding to follow the rules of Ashram and therefore, defendants had filed complaint against plaintiff with the police. Plaintiff failed to appear before police during inquiry and the CCTV footage will clearly show that defendant has taken away all his belongings from Ashram on his own. On these and other grounds, defendants have requested to reject the application.

7. Perused application and say. Heard both the sides. Record shows that plaintiff has filed this suit for declaration and perpetual injunction in respect of the suit property described in para No.1 of the plaint. Defendant Nos.1 to 3, 5 & 6 have filed their WS at Exh.27 and contested the claim of plaintiff. These defendants have specifically denied the ownership and possession of plaintiff over suit property. Record further shows that the application for temporary injunction filed by plaintiff restraining the defendants from creating obstruction over the suit property came to be partly allowed by order dated 23/08/2023. By passing order below Exh.5, my Ld. Predecessor has directed both the parties to maintain status-quo in respect of suit property till disposal of the suit.

8. Issues are framed at Exh.50 on 23/08/2023 and accordingly, plaintiff has filed his affidavit of chief-examination at Exh.58 on 06/03/2025. By way of this application plaintiff has contended that defendants have dispossessed him from a room situated in the suit property and the possession be restored with the help of police personnel. In support of his application, plaintiff has filed his affidavit at Exh.62 and some photographs at list below Exh.64/1. To counter this material defendants have filed some documents and photographs at list below Exh.69. As both the parties have filed some material to counter each other's stand, it is not desirable to rely upon any of them. It is necessary that the parties be permitted to adduce evidence in respect of those documents.

9. So far as, the first relief claimed by plaintiff is concerned, the plaintiff himself has contended in the application that he has been dispossessed from a room situated in the suit property. Therefore, the question of obstruction by defendants doesn't arise. Plaintiff has requested to grant police aid for restoration of possession by defendants. For this purpose, it is necessary to see whether the Court while partly allowing the application for temporary injunction has clearly held the exclusive possession of plaintiff

over suit property. It is pertinent to note that in para No.12 of the order my Ld. Predecessor has observed that “A conspectus reading of all these facts gives rise to an inference that the sale deed on the basis of which plaintiff is claiming title is executed by the persons whose title in itself is in doubt.” In short, the Court has not drawn an inference regarding ownership of plaintiff over suit property. It is settled position of law that possession follows the title. As the title of plaintiff is itself in doubt, it will not be appropriate to held his possession over suit property.

10. Defendants have contended in their say that plaintiff himself took away his belongings and it doesn't means that defendants have admitted the exclusive possession of plaintiff over suit property, as argued by plaintiff. None of the parties have challenged the order dated 23/08/2023 passed by this Court on the application for temporary injunction. Thus, the order and findings recorded by the Court have attained finality. In case, if the Court was sure regarding the exclusive ownership and possession of plaintiff over suit property then the Court would have granted injunction order in his favour. But the Court has not held so and therefore, the order of status-quo was passed.

11. In support of his submissions, Ld. Advocate for plaintiff relied upon the judgment of Hon'ble Supreme Court delivered in the case of **Kishor Kumar Khaitan and Anr. V/s Pravin Kumar Singh**. I have perused the case law cited by plaintiff carefully and with due respect I would like to mention here that the facts of the case law cited and case in hand are not identical. In the former case, the respondent tenant has alleged that during the pendency of suit filed by him for restraining appellants-owners from interfering with his possession over the plaint property, he was dispossessed. In that case, the Hon'ble Supreme Court has held that “it was not appropriate for the Additional District Judge to pass an order directing the parties to maintain status-quo, without indicating what the status-quo was.....”. In this case law the Hon'ble Supreme Court has nowhere held that a party who has been dispossessed can claim possession by moving an application, as done by plaintiff. For these reasons, I hereby held that the application is not maintainable and the plaintiff has to seek remedy in accordance with law. In the result, I pass following order :-

ORDER

1. Application is rejected.
2. No order as to costs.

Date : 12/01/2026

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar.