

**R.C.S. No. 170/2024****Order below Exh. No.05 in RCS.170/2024.**

1. The present suit is filed for Declaration and Perpetual Injunction in respect of the suit property. The plaintiffs have moved an application Exh. 05 seeking status quo in respect of the suit property. Heard Shri. G.R.Mendre, Ld. Advocate for the plaintiffs.
2. Read the plaint, T.I. application and affidavit filed in support of the T.I. application.
3. The learned advocate on behalf of the plaintiffs submitted before the Court that, the suit property No.01A is owned by the plaintiffs and property No.01B owned by the Defendant No.01 to 03. The defendants were raised dispute for using road on North side of property of the plaintiffs. For that purpose the defendants filed Rasta Case Application No.96/2021 before concern authority. Accordingly, decision in said Rasta case is passed in favour of the defendant No.01 to 03. However, the defendants by obstructing peaceful possession of the plaintiffs over their property tried to open such illegal road. Accordingly, on 16.02.2024 the plaintiffs received notice from concern authority who have fixed date 23/02/2024 to open the road granted by concern revenue authority. If defendants succeeded in taking possession of said road the very purpose of the plaintiffs will frustrate and plaintiffs will suffer heavy loss which could not be compensated on the grounds of money

Therefore, plaintiffs have prayed for granting *status quo*. They invited my attention towards the affidavit which plaintiffs have filed along with application below Exh.06. The plaintiffs also invited my attention towards documents filed along with List at Exh.03.

4. I have perused the suit and the application (Exh. 05) as well as the documents filed on record along with list at Exh. 3 . Here, it is necessary to mentioned that the present suit is filed before this Court on 22.02.2024 for Declaration and perpetual injunction in respect of suit property. In the present case suit summons of the suit is yet not issued to the defendants. The principle of natural justice i.e. “*status quo*” is the settled principle of law. Therefore, by following the principle of natural justice the time needs to be given for appearance and filing their written statement.

5. So far as merits of the application is concerned, there is exceptional or compelling circumstances to grant *status quo* in respect of the suit property against defendants. *Prima facie* it appears that, the plaintiff has put forth *prima facie* material showing the *prima facie* case in their favour. Hence, I found that there is need to grant *status quo* in respect of the suit property. Therefore, as far as merits of the application is concerned there is exceptional and compelling circumstances to allow the application. Hence, I pass following order :-

**:: ORDER ::**

1. The application is partly allowed.
2. The plaintiffs and defendant No.01 to 03 are directed to maintain status quo in this suit in respect of present situation of suit property till filing written statement by the defendant No.01 to 03.
3. Copy of this order be given to Circle Officer, Sangamner, Tal.Sangamner.
4. The plaintiff is directed to serve copy of this order to the defendants and Circle Officer, Sangamner, Tal. Sangamner till 23.02.2024 without fail.

Sd/-

Date :- 22.02.2024.  
Sangamner.

( S.M. Waghmare )  
Jt. Civil Judge, J.D.,  
Sangamner.