

R.C.S./275/2024

Rameshchandra Vs. Limbaji.**ORDER BELOW EXH.5**

This is an application filed by the plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short C.P.C.). The Ld. advocate for plaintiffs has prayed for status-quo till appearance of defendant.

2. It is the contention of plaintiffs that they are owner and possessor of land in gut no. 11 ad-measuring 2 H. 23 R. to the extent of 887.50 sq.mtr. situated at Naiygaon, Tq. Gangapur, Dist. Chatrapati Sambhaji Nagar.

3. The CIDCO authority has left 15 mtr. wide road and 12.5 mtr. green belt and beside Nagar-Aurangabad highway. The suit land is adjacent to 15 mtr. service road and 12.5 mtr. green belt. The plaintiffs are using access/approach way since the date of purchase of the suit land without any obstruction. There is no other way or road to approach the said service road, green belt and Nagar-Aurangabad highway. This road is very much important and necessary for plaintiff to enjoy suit property.

4. The defendant has no any right interest and concern with the suit land. However, he is trying to obstruct and interfere in the possession of suit land and approach way. He is also trying to alienate said 15 mtr wide road, green belt.

Hence, he prayed for status-quo till appearance of the defendant.

5. Heard Advocate of the plaintiffs.

6. I have gone through the record *prima-facie* it appears that plaintiffs are appears to be owner and possessor of suit land. It also appears from map that there is approach way to the suit land. However, plaintiffs have not stated the interest of defendant why he is obstructing the approach way of plaintiffs. It appears that the suit land and approach way is not in immediate danger. Hence, it is necessary to hear other side before passing any order. The order of show cause notice is already passed. Hence, I pass the following order;

ORDER

1. Prayer of status-quo is rejected.
2. E. P. and S. B. is allowed, if any.

Date:-19/09/2024.
Place : Gangapur.

(A. B. Ingole)
2nd Jt. C. J. J. D., Gangapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same, word to word, as per the original judgment.	
Name of the Stenographer :	Kailas S. Rasve.
Court	C.J.J.D., Court No.2, Gangapur.
Date	19.09.2024
Order signed by the presiding officer on	19.09.2024
Order uploaded on	19.09.2024