

MHAU130000922025



R.C.S. No.66/2025

Shaikh Shahrukh Shaikh Sharif Vs. Municipal Corporation, Aurangabad
ORDER BELOW EXH. 14

By this application the plaintiff sought an order of status quo in respect of suit property. Read the application and reply of defendant corporation at Exh.15. Heard learned advocates for rival parties.

2. Learned advocate for plaintiff submitted that, there is no RCC structure on the suit property. The suit shop is a structure raised by using Tin Shed and a Shutter. The plaintiff is ready to remove said structure within 15 days. The defendant corporation has not filed reply to application Exh.5. Therefore, it is necessary to pass an order of status quo in respect of suit property.

3. Learned advocate for defendant corporation submitted that, the structure over suit shop is illegal and it cannot be protected by an order of status quo. Therefore, he prayed to reject the application.

4. It is a matter of record that, on 13.11.2025 the plaintiff had sought ex parte ad-interim junction against defendant corporation in respect of suit shop. This Court has refused to grant such ex parte relief to the plaintiff and thought it proper to issue notice to defendant corporation. The matter is e-filed. The defendant corporation appeared today through its advocate and this Court has made him view the plaint and documents e-filed by plaintiff. These circumstances make a sense that defendant corporation is

enable to file its reply to an application Exh.5 today itself. Therefore, it is desirable to grant reasonable opportunity to it to file its reply. However, the plaintiff has made it a ground to seek an order of status quo.

5. An order dated 13.11.2025 speaks that, a notice giving rise to this litigation is issued by defendant corporation on 11.11.2025 to the plaintiff under Section 260 and 478 of the Maharashtra Municipal Corporation Act, 1949. It is also stated in said order that, the due process of law to be followed by defendant corporation requires it to give 15 days time to the plaintiff which will expire on 27.11.2025. It is not the case of plaintiff that, he has raised structure of suit shops by obtaining necessary permission from defendant corporation. The photographs produced by him today only shows the existence of suit shop and nothing more. Such structure, not being shown to be authorized, cannot be protected by passing any equitable relief much less an order of status quo. Hence, I pass the following order:-

ORDER

Application stands rejected.

Date :- 15.11.2025

(**Shri. N. H. Tikhe**)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer : Vilas K. Chavan, Stenographer (Grade-II)

Court : C.J.S.D.(Corporation Court), Aurangabad.

Date : 15.11.2025

Order signed by the
presiding officer on : 15.11.2025

Order uploaded on : 15.11.2025