



CNR No. MHNB090000817-2022

R.C.S. No. 42/2022

Punjrya ..Vs.. Jerma

Exh. 14

ORDER BELOW EXH.14 (Status Quo Application)

(Passed on : 20.10.2022)

This is the suit for Permanent injunction with an application under Order 39 Rule 1 & 2. Summons are duly served to the defendants through bailiff. On 15/10/2022 defendants appear before the court and demanded time for filling of reply to the suit as well as temporary injunction application and same be allow by the court. Today both parties & their counsel present before the Court. The Ld. Counsel for defendant has not filed their say as well as Written Statement on record and moved another adjournment application.

2. Per contra the counsel for plaintiff objected & submitted that defendants are going to cutting off growing crops on the suit land of plaintiff. Therefore, he moved an application for granting Status quo. It is contended that as per order of Sub - Divisional Officer, Taloda Mutation Entry No. 478 was duly canceled and suit property is registered in the name of plaintiff. Plaintiff is the owner & possessor of the suit land. He further submitted that defendants obstructs to the peaceful possession of the plaintiff; and they are going to cut off growing crops on the suit land which is cultivated by the plaintiff. If

defendant will succeed then he will suffer irreparable loss. Therefore, he prayed for Status Quo.

3. Per contra the counsel for the defendants filed their say and submitted that the as per order of S.D.O., Taloda. Plaintiff having his name on the suit land, but since from 1931 the suit land is in the possession of the defendant. Further, since from 1931 to before order of S.D.O., Taloda the defendants have their possession on the suit land without any interruption till filing of the present suit. Plaintiff suppressing real facts from this court. On last date they were appear before the court and it is necessary to have time for filling their detailed reply/say/Written Statement. Therefore prayed for reject the application for Status Quo.

4. Perused the record, documents filed on record. Heard both sides. While perusing the overall documents on record, which are prima facie shows the ownership of the plaintiff; but plaintiff did not filed any single document on record which indicates that he was and is in possession of the suit land. All these documents are recent documents which are filed along with plaint. Whiling perusing copy of Mutation entry No. 685 (28.09.1968) which clearly indicate that the suit property in Survey No. 54 was allotted as per partition and having possession in the name of father of plaintiff and also in the name of father of defendants. Name of father of plaintiff and father of defendants clearly mentioned in such Mutation Entry. Therefore, we

cannot say that plaintiff was and is having exclusive possession of the suit property since long time. Further he did not filed any Affidavit of witness which deposed that plaintiff is in possession of the suit land, cultivated such land and now having crop of Soybean till today. The suit is filed for permanent injunction. In these circumstances only the submissions made on behalf of plaintiffs is considers, then very purpose of the suit will become infructuous. Therefore, for avoiding further complications it is required to reject the application for status-quo. Hence, following order.

ORDER

- 1) Application for Status Quo is hereby rejected.
- 2) Defendants are directed to file their W.S. & Reply on or before fixed date.

Taloda
Date: 20/10/2022

(Suvidha. G. Pande/Yawalkar)
Civil Judge (Jr.Dn) Taloda
Distt. Nandurbar