

Order Below Exh. 18

1. This is an application filed by the disputant for granting status quo. Opponent no. 2 to 4 have filed their say vide Exh. 22. Perused the application and say. Heard both sides at length.

2. Learned Advocate for the disputant Shri R.S. Shrimali argued that, the opponents are became aggressive after the service of notices to them and they are threatening to disputant to leave the possession over the suit plot no. 5, gut no. 154/p, Mitmita. The opponents are also threatening to take the possession of the suit plot by force and with the help of man power and also threatened to beat the disputant. The opponents are also threatening to get involve the disputant and his G.P.A. holder in false cases and complaints. The disputant is very much afraid of the opponent's no. 2 to 4 and he has apprehension that they will dispossess him illegally and forcefully in absence of any prohibitory order. It is necessary to preserve the subject matter and therefore it is necessary to stop the illegal activities of the opponents by interim order of injunction or by order of status quo.

3. On the contrary learned Advocate for opponent no. 2 to 4 Shri P. S. Magar argued that, the Dispute filed by the Disputant is not at all maintainable because the disputant is not the member of the Santosh Magasvargiya Gruh Nirman Sanstha Ltd., and the Disputant had forged the allotment letter, share certificate etc and by way of such a criminal act is seeking to grab the plot of the Opponents who are the true owners of Plot No. 1 situated at Gat No. 154, Mitmita. The Disputant is not the member of the said society and the then Chairman had applied for cancellation of registration of the said society therefore the present Hon'ble Court does not have jurisdiction to try the said dispute and therefore granting any sort of relief to the Disputant will be unjust. The opponents had not at all became aggressive nor they had ever threatened to the disputant. The disputant came to know about the Criminal Appeals filed against him

and therefore had preferred this application. In fact the disputant alongwith the goons had criminally trespass upon some portion of Plot No. 1 and the Disputant being a trespasser cannot claim injunction. Hence he prayed to reject the application.

4. Opponents have relied on Judgment in Asma Lateef & Anr. Vs. Shabbir Agmad & Ors., Civil Appeal No. 9695 of 2013 passed by Hon'ble Supreme Court. Perused the judgment. It seems that the facts of the said judgment and the facts of the case in hand are different and with respect the judgment is not supporting the contention of the opponents.

5. Considerd the application, say and argument advanced by both parties. Also perused the record. The dispute is filed for declaration of the ownership and perpetual injunction. The suit is filed on 08.07.2024 and the present application is filed on 21.09.2024 for status quo. It is contention of the disputant that, the opponent no. 2 to 4 are became aggressive and threatening to the disputant to leave the possession over suit plot. The opponents are also threatening to take the possession of the suit plot by force and with the help of man power and also threatened to beat the disputant. It is not contention of the disputant that he has lodged the complaintt against the opponents for threatening him. The date and time of the said incident is also not mentioned by the disputant.

6. Moreover, disputant failed to prove that, what happend actually so that he has the apprehension that opponents will disposses him illegally and forcefully. Disputant has not filed any of the documentary evidence to show that the opponents are engaged in illegal activities. Disputant has also failed to argue about current activities of opponents over suit plot on the date of argument on 05.07.2025. To get the relief of status quo the party should prove the case prima facie. But it seems that the disputant has failed to prove his case. The application is almost one year old and disputant failed

to clear the current status about suit plot to get the status quo. Hence application deserves to be rejected. In the result, the following order is passed.

ORDER

1. Application Exh. 18 is rejected.
2. Both parties to take note.

(Order pronounced in open Court)

Sd/-

Date : 30.08.2025

(Manisha N. Thorat)
Judge, Co Operative Court,
Aurangabad.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per original Judgment.

Name of the Stenographer : Sharda S. Shingade

Court : Co-Op-court, Aurangabad

Judgment/Order Signed by P.O. On : 30/08/2025

Judgment/Order uploaded on : 30/08/2025