

ORDER BELOW EXH. 16
(Dated 31-07-2020)

The plaintiff Chandrakala filed the present application for granting status-quo till the reply filed by the defendant Premanand on temporary injunction application below Exh. 5.

2. Brief avernments of the plaintiff as follows:-

The plaintiff is claiming that she is the owner and possessor of agricultural land bearing Gat No. 85/2, T.S. No. 1, admeasuring area 1.6 HR land situated at Maramjob, Taluka Deori, District Gondia (Hereinafter it is called as the suit property). The plaintiff further averted that she became the owner and possessor of the suit property on the basis of registered sale deed bearing no. 223/2012 dated 27.07.2012. Accordingly, the plaintiff is cultivating the suit property. The plaintiff further averted that she is in peaceful possession of the suit property and the defendant disturbing her peaceful possession over the suit property. Therefore, the plaintiff prayed for grant of status-quo till the reply filed by the defendant on temporary injunction application at Exh. 5.

3. Perused the say filed by the defendant on the present application. The defendant submitted that he has already filed Regular Civil Suit No. 9/2019 against the plaintiff for declaration and perpetual injunction. The defendant further submitted that he is in possession for the suit property and also cultivating the suit property. Therefore, the defendant prayed for rejection of the present application.

4. Heard advocate Mr. B. T. Maskare for the plaintiff. Heard advocate Mr. P. B. Ganbhoir for the defendant.

5. Perused the record. Also perused documents filed by the plaintiff and the defendant. After perusal of record it appears that the plaintiff filed the present suit for declaration and perpetual injunction. The plaintiff averted that she is the owner and possessor of the suit property on

the basis of sale deed bearing registration no. 223/2012. Moreover, the plaintiff also filed xerox copy of said sale deed bearing registration no. 223/2012 dated 27.07.2012 at serial no. 7 annexed with list of document below Exh. 4. On the contrary, the defendant also claiming that he is the owner and possessor of the suit property. Moreover, the defendant filed and relied on xerox copy of plaint of RCS No. 9/19 at serial no. 1 annexed with list of document below Exh. 19. After perusal of xerox copy of said plaint it prima facie appears that the defendant also filed a civil suit for declaration and perpetual injunction against the present plaintiff in respect of the suit property. Therefore, after perusal of xerox copy of said sale deed and xerox copy of said plaint it prima facie appears that the plaintiff as well as the defendant claiming the ownership of suit property against themselves. Moreover, prima facie also appears that the plaintiff and the defendant claiming their possession over the suit property against themselves.

6. The plaintiff averred that she is in possession of the suit property. The plaintiff also averred that the defendant is disturbing her peaceful possession over the suit property. The plaintiff filed on record xerox copy of report dated 08.06.2020 and xerox copy of NCR bearing no. 101/2020 dated 08.06.2020, at serial no. 10 and 11, respectively, annexed with list of document below Exh. 4. Perused xerox copies of said report and NCR. After perusal of said report and NCR it prima facie appears that the plaintiff has filed the report against the defendant in respect of suit property. Mere filing of report and registration of NCR does not mean that the plaintiff is in possession of the suit property and also the defendant disturbing the possession of the plaintiff over the suit property in the absence of any other corroborative prima facie document. Moreover, the plaintiff filed the present application plainly. Moreover, the plaintiff in the present application does not stated the manner of disturbance by the defendant of her possession over the suit property. Therefore, as discussed above it is not proper to grant the relief of status-quo in favour of the

plaintiff. Therefore, I proceed to pass the following order:-

ORDER

The present application is hereby rejected.

Date : 31-07-2020

Mohmad Wasim Akram
S/oMohmad Jalal Sheaikh
Civil Judge, Jr. Division, **Deori.**