

**Order below Exh.18 in R.C.S. No 354/2017**

By this application plaintiff has prayed for grant of status-quo order in respect of the suit properties.

02. Plaintiff contended that, he has filed instant suit for partition, perpetual and mandatory injunction against defendants. According to him suit properties were joint properties of plaintiff and defendants. According to him suit properties are yet not partitioned between them. However, defendant No.1 to 3 are trying to erect construction. Plaintiff further submitted that, construction is in progress and if defendants are not restrained from erecting construction it will cause irreparable loss to him. Thus, he prayed for granting of status -quo.

03. Defendant No. 1 to 3 have objected instant application contending that, construction was already completed. According to them the said construction was erected as per Government's Gharkul Scheme. Therefore, defendants prayed for rejection of application.

04. I have heard the learned advocates for the respective parties at length.

05. I have given thoughtful consideration to the arguments advanced by the learned advocates for respective parties, in light of averments made in the instant application and the document produced on record. Before advertng to the merits of the instant application, it is required to mentioned here that, the relief of status-quo is as good as an injunction. Therefore,

before granting such relief the court has considered the relevant principles of prima-facie case, balance of convenience and irreparable injury.

06. On the touchstone of the aforesaid legal aspect, if the instant application is considered minutely it is seen that plaintiff has instituted the present suit for partition, perpetual and mandatory injunction. According to plaintiff, defendants are trying to erect construction on suit properties. Plaintiff further submitted that, if defendants completed construction his temporary injunction application will be frustrated.

07. The plaintiff has produced photographs of alleged construction along with list Exh.3, the said photographs reveals that, substantial construction was completed. The said photographs appears to be dated 23/11/2017, today 05/12/2017 is going on. The plaintiff has not produced anything on record to show today's status of suit properties. Besides defendant No. 1 to 3 have given affidavit containing that, construction was already completed. Therefore, I am of the view that, today's situation or status of suit properties are not cleared from record. In this circumstances I do not found any prima facie case to grant status-quo. Consequently, the instant application is deserved to rejected. Hence, I proceed to pass the following order.

### **ORDER**

- 1) Application **Exh.18** is stands rejected.

Sd/-

Ichalkaranji.  
Date: 05/12/2017.

( P. M. Mane)  
7<sup>th</sup> Jt. Civil Judge, Jr. Dvn.,  
Ichalkaranji.

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

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|----------------------------|------------------------------------------------------------------------------------------------------|
| Name of stenographer       | R. D. Patil (L.G.)                                                                                   |
| Name of Court              | P. M. Mane,<br>7 <sup>th</sup> Civil Judge Jr. Dvn., &<br>Judicial Magistrate F.C.,<br>Ichalkaranji. |
| Date of Dictation          | 05/12/2017                                                                                           |
| Judgment signed by P.O. on | 05/12/2017                                                                                           |
| Judgment uploaded on       | 05/12/2017                                                                                           |