

MHKO090002002022



COMMON ORDER BELOW EXH. 5, 54 & 74 IN
REG. CIVIL SUIT NO. 141/2022

1. Heard Adv. for the plaintiffs Shri. Fagare. None present for the defendants when called out repeatedly. It is strenuously submitted by the plaintiffs that construction work is going on in the suit property in high speed. Therefore, it is very much necessary to pass ad-interim injunction in favour of the plaintiffs, so that construction work shall be stopped. Otherwise nature of the suit property will be changed and suit of the plaintiff will become infructuous. In support of this submission, various photographs are placed on record. In addition to this, the plaintiffs relied upon 7/12 extract of the suit property – Gat No. 80. According to Ld. Advocate for the plaintiffs, in Gat No. 80, names of defendant Nos. 20 to 24 are not at all mentioned. They are not co-owners in this gat number, despite this fact these defendants are making unauthorized construction in the suit property, so as to cause wrongful loss to the plaintiffs.
2. I carefully perused 7/12 record of the suit property. There is no reference in it that the Government is having any land in it. The photographs placed on record reasonably indicate that construction is going on in the suit property.

Therefore, it is necessary to maintain status-quo till decision of Exh. 5 on merit.

3. It is true that written statement of defendant Nos. 20 to 24 is already on record. However, this written statement was belatedly filed, with an application to condone the delay. The delay is condoned and written statement filed by these defendants is taken on record. However, today none present for the defendants when called out repeatedly. Two applications are already filed by the plaintiffs, praying that the defendants shall maintain status-quo. At the time when these previous application were filed, notices were issued to the defendants, but that time, the defendants did not remain present to argued on Exh. 5.
4. Considering the fact that the construction is going on speedily. It is just and proper to pass the following order -

ORDER

1. Defendant Nos. 21 to 24 are restrained from making any construction in the suit property till further order of this court.
2. On next date, both the parties shall remain present and argue Exh. 5, otherwise the application will be disposed of on merit without granting adjournment.

Date : 11.10.2022

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj