



ORDER PASSED BELOW EXH.30
IN REGULAR CIVIL SUIT NO.193/2025

[CNR No.MHKO090006032025]

The present application is filed by the plaintiff to maintain status-quo regarding the suit property by the defendant no.3. In short, it is the contention of the plaintiff that in view of order passed by the Collector, 0.03.60 R. land was allotted to the defendant no.3. However, defendant no.3 encroached upon Government land and started illegal construction upon it. Therefore, it is necessary to direct defendant no.3 to maintain status-quo regarding the suit property.

2. The present application is strongly opposed by the defendant no.3 on the ground that the present application is false and the suit is filed by the plaintiff is not tenable in the eyes of law. Defendant no.3 is not making any new construction over the suit property. If the defendant no.3 is restrained, then they will suffer irreparable loss. Hence, the application is liable to be rejected.

3. Heard both the sides at length. It is important to note that the Grampanchayat also appeared in the suit and specifically supported the contention of the plaintiff that the defendant no.3 is making construction over the encroached portion. No doubt, there are various elements and at this juncture, it cannot be determined

whether the construction is regularized on the property of defendant no.3 or it is encroached. However, right now the Government authority prima-facie submitting that the construction of the defendant no.3 is on encroached portion. Therefore, in such circumstances, I am of the view that if at the fag end, it appears that the defendant made construction over the encroached portion, then it will cause great prejudice to the right of the plaintiffs as plaintiffs are representing interest at large in the property. Therefore, to avoid further complications, I am of the view that till the filing of say of other side, if the status-quo is granted, then it will suffice the purpose. Therefore, I pass the following order :-

ORDER

- 1] The defendant no.3 is directed to maintain status-quo i.e. not to further construct over the suit property till filing their say in the suit.
- 2] Plaintiff to inform the defendant no.3 regarding the order of status-quo.

Place : Gadhinglaj.
Date : 14.10.2025.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj