

MHKO100001142026

REGULAR CIVIL SUIT NO. 26/2026

Shankar & Ors.

Vs.

Gudusab & Ors.

ORDER BELOW EXHIBIT NO. 16

Through this application plaintiffs have prayed to grant status-quo order and temporarily restrain the defendants from making further construction over the suit property till further order.

02. It is stated in this application that, present suit is filed for perpetual and mandatory injunction. After service of summons on dated 04/02/2026, defendants appeared through their advocate and filed an application for granting further time of filing their say and written statement vide Exh.11. It was allowed subject to condition that, they should not made further construction over the suit property. They gave undertaking vide pursis Exh.12 accordingly. Per contra, defendants have been making illegal construction over the suit property since 05/02/2026 to till today. Plaintiffs have intimated through their advocate to the advocate of defendants but, they did not give any response. Here, defendants have breached their own undertaking deliberately. If, the construction over the suit property shall be completed then, it amount irreparable loss to plaintiffs which never be compensated in terms of money. Defendants shall not stop their illegal construction without the order of this Court. For the kind perusal of current position of the construction going on over the suit property photographs

have been placed before this Court. These photographs are sufficient to gather the actual position of construction over the suit property. Therefore, it is prayer to grant interim injunction or status-quo order against the defendants till further order.

02. On the other side, defendants have opposed this application by filing their say vide Exh.17. It is admitted by the defendants that, they have filed an undertaking regarding not made further construction over the suit property on dated 04/02/2026. Even though, this instant application has been filed, therefore, the entire contentions and photographs are false and fabricated. There is no supportive affidavit filed with the photographs. Therefore, it cannot be relied upon that. There is no documentary proof filed regarding the ownership of CTS No.896 belongs to the plaintiffs. Therefore, prima-facie it is not made out by plaintiffs that, they are the owner of it. Moreover, defendants are the co-owners of Gat No.1007 situated at Village-Terani. It is settled law of principle that, temporary injunction or status-quo order cannot be granted against co-owner. On the contrary, defendants have filed sale deed of the area purchased in above said gat number on record and the predecessor of defendants had been made house which has been in deteriorate condition as on today. Therefore, they demolished it and making new house construction over it. Plaintiffs have no right or title with that land. It is not come in CTS No.896. Therefore, this application must be rejected.

03. Heard both sides at length. Perused the documents filed by the plaintiffs alongwith photographs. It is an admitted

position that, matter is pending for filing written statement of the defendants. On last date, plaintiffs sought to grant ex-parte ad-interim injunction, but that prayer was rejected and notice had issued to defendants. On dated 04/02/2026, they appeared with their advocate and filed an application to grant further time for filing say and W.S. It was allowed subject to restrain further construction over the suit property. In result, they had filed an undertaking vide Exh.12 accordingly. This application has been filed by plaintiffs because as per their contentions, defendants have breached their own undertaking. Through their say, they have admitted this fact. Apart of this, they made contentions that plaintiffs have no documentary evidence to show their ownership and title over the CTS NO.896. It is further argued by the Ld. Advocate of defendants that, no partition has been taken place in respect of Gat No.1007 as on today. The 7/12 extract placed on record shows that, plaintiffs and defendants are co-owner in aforesaid gat number. Separate city survey numbers are yet to be prepared in the name of plaintiffs. On the contrary, defendants are not making house construction over CTS No.896. Therefore, plaintiffs have failed to made out their prima-facie case. Having consider the material placed on record at this stage, it is difficult to ascertain whether construction is going on in CTS No.896 or in the land belongs to the defendants. This issue needs further evidence. But, it is admitted position that, construction is going on, which is not denied by the defendants. After comparing the previous photographs with the current photographs, it appears that, the

version of plaintiffs is correct. Plaintiffs have filed this suit for mandatory and perpetual injunction against the defendants. Therefore, if the construction shall not be restrained then it will create further complication in this matter and create multiplicity of proceeding. Therefore, it would be just and proper to pass status-quo order against the defendants and temporarily restrain them from further house construction over it till the further order of this Court. Hence, in view of above reason I pass following order.

ORDER

01. The application is allowed as prayed.
02. Status-quo order is passed against the defendants, their agents and administrator on their behalf. They shall temporarily restrain from making any further house construction over the suit property described in para no.1 of the plaint till the further order of this Court.

(Dictated and pronounced in open Court)

Gadhinglaj.
Date: 13/02/2026.

(S. D. Mehta)
I/c. 2nd Jt. Civil Judge Junior Division,
Gadhinglaj.