



Order Below Exh. 11 In RCS No. 89/2024

CNR No. :- MHKO110011552024

Passed on 10/05/2024

- 1) This is an application made by the plaintiff and thereby seeking direction to the defendants maintain status quo till next date.
- 2) The plaintiff submits that, he has filed this suit for declaration and permanent injunction. The plaintiff is the co-owner and possessor of the suit property (more particularly described in the plaint) the name of the plaintiff is reflected in the property card. In which no partition is effected by meets and bounds. The share of the plaintiff and others yet to be determined. However, defendants are raising construction over Gat No. 75 which is adjacent to the suit property. Rather they are started construction by making encroachment over the suit property. They are trying to obstruct the peaceful possession of the plaintiff Now this is summer days therefore, the plaintiff has strongly apprehension that, if the defendant succeeded then very purpose of Exh.5 will be defeated. They are relying upon the document submitted as list of document Exh. 3, 12 and photographs. Therefore, he beseeches that the status quo order against the defendants.
- 3) What is pertinent to note here is that, it is a matter of record that defendants are appeared. However, sought time to file say and written statement. Now this application showing urgency and apprehension. Admittedly, the status quo ad-interim temporarily injunction order can be granted only, when a party shows he has strong prima-facie case.

4) The ld. advocate for the plaintiff orally submitted that, the share of the plaintiff yet not been determined. The defendants started construction without measuring the suit property. This is summer days. to preserve the suit property and to avoid multiplicity of the litigation. defendants be ordered to maintain status-quo. The present application is made by the plaintiff on affidavit. The apprehension of the plaintiff corroborated with the documents on record. Considering the fact and circumstances. In order to avoid the multiplicity of litigation, to preserve the suit property being wasted, damaged, alienated and prevent the matter from becoming more complex. It will be appropriate to grant status-quo. Thus, In this situation, without touching the merits of the case, I am inclined to grant the status quo in order to safeguard, I pass following order.

ORDER

1. Defendants shall maintain status quo till next date.
2. Both the parties shall note of this order.

Date : 10/05/2024
Peth-Vadgaon.

(S. D. Sonawane)
Jt. Civil Judge Junior Division,
Peth-Vadgaon.