

ORDER PASSED BELOW EXHIBIT NO.8
IN R.C.S. NO.158/2018

(CNR NO.MHKO110012902018)

01. By this application, the plaintiffs have prayed for grant of status-quo order against the defendants.

02. The plaintiffs have contended that their predecessor Keraba Jadhav is the owner of the suit property under government grant bearing No. LND-1225/1969 Tahasildar Hatkangale dated 27.10.1969. Accordingly plaintiffs have possession after demise of Keraba Jadhav. However, defendants have unlawful obstructed their possession over the suit property on 22.09.2018. Therefore, they have filed complaint to the Shirolu M.I.D.C. Police Station on 22.09.2018. They have also filed complaint to the Tahasildar Hatkangale on 03.10.2018. However, both the authorities have not taken cognizance stating that dispute is of Civil nature. Therefore, plaintiffs have filed present suit for perpetual injunction. By way of instant application they have prayed for grant of status-quo order against defendant No.1 to 3 and 5,6 as they are absent inspite of service of summons and notice. It is also specifically contended that the defendants by doing excavation work over the suit property, causing obstruction and interference to their possession. It is contended that, there is every possibility that the defendants may evict the plaintiffs from the suit property. In that circumstances, the plaintiffs would suffer irreparable loss. Hence, the plaintiffs have prayed for grant of status-quo order against the defendants.

03. The defendants have not filed their say to the instant

application till 04.30 p.m. Hence application is proceeded without say of defendants. It is pertinent to note that defendants have fail to appear before me inspite of service of summons. Hence suit is proceeded ex-party against defendant No.1 to 3,5 and 6.

04. I have heard the learned advocate Smt.A.N.Patil for plaintiff at length.

05. Admittedly, after service of summons and notice defendants have failed to appear before this court. On perusal of 7x12 extract at Exh. 3/1 reveals prima facie title of the plaintiff over the suit property. On perusal of Tahsildar's grant order, Kabulayat, treasury challan and possession receipt of circle Officer at Exh.3/2 to 5 respectively, reveals that the predecessor of the plaintiff got suit property under government grant and accordingly, handover possession. The Police complaint at Exh. 3/6 and Tahsildar complaint at Exh.3/7 reveals that plaintiff have promptly filed complaint to the concern authority and take sufficient efforts to resist the defendants obstruction. Therefore, plaintiffs have prima facie established their possession and obstruction at the hands of defendants. Defendants are not present before court inspite of service of summons, therefore, continuous obstruction and mischief as contended by the plaintiffs can not be ruled out completely. If this being a position, I am of the considered view that this would defeat the purpose of filing of an application at Exhibit 5. On this Count, I find that there is prima facie case of the plaintiff for issuance of status-quo order as prayed. If the status-quo order issued against the defendants restraining them from

causing obstruction and interference to the possession of the plaintiffs over the suit property, it would not cause any prejudice to the defendants. Hence, I proceed to pass the following order.

-: ORDER :-

1. Application Exhibit 8 is allowed.
2. Issue status-quo order against the defendant Nos.1 to 3, 5 and 6 restraining them from causing obstruction and interference to the possession of the plaintiffs over the suit property by doing any kind of excavation adjacent to the suit property till next date.
3. Parties shall note the order.

Sd/-

(S.M.Jadhav)

Date 02.11.2018

2nd Jt. Civil Judge, Junior Division,
Peth-Vadgaon.

CERTIFICATE.

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

Name of the Stenographer	Mrs. Rajashri Rajendra Sawant (L.G.)
Name of Court	Shri. S.M.Jadhav, 2 nd Jt. C.J.J.D. and J.M.F.C., Peth Vadgaon.
Date of Dictation	02.11.2018.
Judgment signed by the P.O. on	02.11.2018.
Judgment/Order uploaded on	03.11.2018.