


<b>MHKO110018902025</b> 	<p style="text-align: center;"><b><u>ORDER BELOW Exh. 11 in</u></b> <b><u>R.C.S. NO. 218/2025</u></b></p> <p style="text-align: center;"><b><u>Sadashiv Ramchandra Bhosale</u></b> <b><u>Vs.</u></b> <b><u>Subhash Pandurang Patil and Ors.</u></b></p>
--	---

The plaintiff has filed the application for grant of status-quo against the defendants in order to prevent them from carrying out further construction upon the suit property. The defendants have filed their say below Exh. 15 and have strongly objected to it.

**02.** Perused the record. Heard the advocate for both sides.

**03.** The advocate for the plaintiff submitted that, the suit is filed for permanent injunction against the defendants. On 01.10.2025 at about 6.00 p.m. in the evening the defendants unloaded bricks on the suit property. After the filing of the suit on 09.10.2025 at around 3.00 p.m. to 6.00 p.m. the defendants with the help of JCB have cleaned the suit property. However, the defendants are illegally going to carry out construction on it. The act of construction by the defendants adversely affects the easementary right of the plaintiff granted to him as per the sale deed dated 11/01/1999. Hence, plaintiff prayed to allow the application.

**04.** The advocate for defendants submitted that, the facts mentioned in said application are false and illegal. The plaintiff do not have any right in the suit property. As per the photographs filed on record, it is seen that there is a 8-10 feet road situated on the northern side of the suit property. The road situated on the northern side of the suit property is the same road mentioned in the sale deed dated

11/01/1999. The defendants are not encroaching upon the suit property and they are carrying out construction on their property itself. The plaintiff cannot claim easementary right through the defendants property as he is not granted to do so. The said application has been filed with the intention of harassing the defendants. Hence they prayed for the rejection of the application.

**05.** Perused the record. This is a suit for permanent injunction. The defendants have yet not filed on record their say to the injunction application and written statement. It is pertinent to note that, the status quo can be granted only, when a party shows they have strong prim-facie case. On perusal of the photographs filed by both the plaintiff and defendants below Exh. 3, 10 and 17 it appears that, the defendants have dug the suit property bearing Gat no. 556/B/2 for carrying out construction. The Plaintiff has sworn on oath and through photographs has raised apprehension.

**06.** Further, on perusal of the photographs filed by the defendants it appears that, there is a 8-10 feet road adjacent to northern side of the suit property. The plaintiff during argument has admitted that the suit property admeasuring 0 H 3 R is in his possession. At this stage, after giving a thoughtful consideration to the documents produced on record it appears that, though there is urgency there is no exceptional factors and circumstances which warrant grant of *status-quo* order. Hence, having considered this aspect it is not desirable to order *status-quo* against defendants.

**07.** The earlier application for grant of status-quo at Exh. 8 was rejected. Since then there appears no further development in the activities of the defendants which result in change of circumstances for

grant of status-quo at this stage. The defendants are directed to file his say to Exh. 5 and argue the matter on merits at the earliest. Hence, in the interest of justice the following order is passed :-

**ORDER**

<b>1.</b>	The application below Exh. 11 is rejected.
<b>2.</b>	No order as to cost.

sd/-

Date : 14/10/2025  
Place: Peth-Vadgaon

( R. S. More)  
3<sup>rd</sup> Jt. Civil Judge J. D., Peth-Vadgaon