

**R.C.S.No. 52/2023**

Ananda Shankar Patil Vs. Hindurao Maruti Mhatugade

CNR - MHKO130002782023

ORDER PASSED BELOW EXH.20**(Dt. 07/06/2023)**

1. This application is filed under section 94 of C.P.C. by plaintiff restraining the defendant no. 1 to 3 from carrying construction upon suit property no. 1(A).
2. According to plaintiff, these defendants by taking disadvantage of summer vacation and order passed below Exh. 13 carrying the construction. According to plaintiff, if the status-quo is not granted main purpose of suit and application will become infructuous. Hence, by way of this application the defendant no. 1 to 3 is required to be restrain from carrying construction upon suit property no. 1(A).
3. Contrary, learned advocate of defendants by filing their say below Exh.25 submitted that, earlier status-quo application is rejected by this court. Hence, similar type application is not maintainable. It is urged that, they have every right to construct the property and now the construction is completed. Further, today the defendant filed the W.S. and they are ready to argue the matter below Exh. 5. Hence, urged to reject the application.
4. Perused the record. Heard learned advocate of parties.
5. The defendant have filed their W.S. below Exh. 26. Further, both parties are ready to argue the Exh. 5 on next date. It is alleged by the defendant that, the construction is completed. Therefore, if the status-quo in respect to construction is granted, no

prejudice will be caused to the defendants. Therefore, it is directed to defendants that they shall not carry out the construction upon suit property till the next date. In the result, the application is allowed.

Kagal.
Date: 07/06/2023.

(B. D. Gore)
Civil Judge Jr. Dn., Kagal.