



**ORDER BELOW EXH. 08 IN R.C.S. NO.**  
**103/2024**

Prakash Dhondilal Shaha Vs. Balasaheb Shamrao Ghugare

CNR - MHKO130006542024

01. This is the application of the plaintiff filed with request to direct the defendant to maintain the “status-quo” over the suit property.

02. As per the plaintiff, the suit is filed for perpetual injunction. The defendant is appeared in the suit. The suit property is belonging to the plaintiff. The defendant is constructing in the property belonging to the possession of this plaintiff. If the defendant is restrained at this stage from carrying out his construction, then no harm will be caused to him. Per contra, if the defendant is not restrained, then nature of the suit property may change & it may give rise to the complications. Therefore, the plaintiff has prayed for Status-quo order.

03. The application is objected by the defendant by his say on the overleaf of this application. It is submitted that, the defendant has constructed in his own area allotted to him. The construction is almost complete. The plaintiff is misleading to the Court. Therefore, the application is not tenable in the eyes of law. Hence, the defendant has prayed to reject the application.

04. Heard Adv. Shri. A.J. Desai for the plaintiff & Adv. Shri. S.V. Ghatge for the defendant.

05. Perused the record. It is not in dispute that the property in the possession of the defendant is yet not measured. In fact, notarized agreement placed on record dtd. 27/09/2011 demonstrates that, if the area given to the possession of defendant is

not measured as 1H. 85R in that case the area in the possession of the plaintiff belonging to the southern west side has to be given to the possession of the defendant.

06. Now, admittedly in this situation, the plaintiff has come with the case of construction in his suit property at the hands of defendant. Per contra, the defendant has contended that, he is constructing in his own property and construction is almost complete. The defendant in that regard has placed on record certain photographs to show that the construction is almost complete and house warming ceremony is performed. These photographs have not specifically disputed by the plaintiff. The plaintiff's advocate Mr. Desai has taken base of several documents to show actual incidents taken place in between the parties pertaining to the land in dispute. However, even though as it may be, at the moment, there is no single document to suggest that, defendant is carrying out construction in the suit property. In this situation & the fact that the construction is almost complete, if the defendant is restrained at this moment, then it may cause loss to him. Thus, in this situation, the plaintiff will not be entitled to any relief. Hence, following order is passed:-

### ORDER

1. The application (Exh. 08) is rejected.
2. In the peculiar facts & circumstances, there is no order as to costs.

Kagal.  
Date:- 13/05/2024.

(A. B. Jawale)  
Jt. Civil Judge Junior Division,  
Kagal.