

**ORDER BELOW EXH. 19**

This is an application by defendant praying for grant of status-quo against the plaintiff. As per defendant, by making an encroachment upon his property, plaintiff has started to construct a wall. Taking undue advantage of summer vacations, plaintiff will complete the construction. Hence, it is necessary to stop the plaintiff from making further construction. Hence, present application.

2. Plaintiff has strongly combated the application contending that vide his say at Exh. 10 defendant himself has concented for the construction as per the measurement dated 31/10/2017. Subsequent thereto plaintiff has started to construct. The construction being carried out by plaintiff is in the property at C.S.No. 211 and is consonant to the measurement dated 31/10/2017. Thus, there is no need to stop the plaintiff. Ultimately, he has prayed for rejection of the application.

3. Perused record. As per plaintiff he is constructing over the property at C.S.No. 211. Vide their say at Exh. 10 the defendants have submitted that they wont restrain plaintiff from making any construction consonant to the measurement dated 31/10/2017. However, vide their written statement and counter claim the defendants have contented that the construction being carried by plaintiff is not consonant to the measurement dated 31/10/2017. The plaintiff has encroached upon and constructed over the C.S.No. 210.

4. Thus, considering averments and contentions raised by both parties it seems important to have look upon the measurement dated 31/10/2017 in order to ascertain the actual status over the suit property. However, either party has not produced any material pertaining to the said measurement. Consequently, it is very difficult to form any opinion pertaining to the actual factual status of the property described in counter claim and plaint. Resultantly, order of status-quo as prayed can not be granted. Hence, following order is passed.

**Order**

1. Application is rejected.

Radhanagari.

Date : 02-05-2018.

( M. H. Shitole )  
Civil Judge, Jr.Dn., Radhanagari.

I, the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	U.S.Telang
Name of Court	Civil Judge, Junior Division & Judicial Magistrate, First Class, Radhanagari.
Date of Dictation	02/05/2018
Order signed by the P.O. On	02/05/2018
Order uploaded on	05/06/2018