

MHKO200004252024 	<u>R.C.S.No.79/2024 ORDER PASSED</u> <u>BELOW EXH.12</u> <u>Vasant Doulu Patil Vs. Arjun Bajirao Patil &</u> <u>Ors.</u>
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The plaintiff has filed the present application seeking status-quo directing the defendants not to obstruct the plaintiff's possession over the suit properties. As per plaintiff the suit property is owned and possessed by him, and the defendants have encroached upon his property. The plaintiff has grown grass in the suit property to provide fodder to his animals. The defendants did not let him cut the grass and obstructed his peaceful possession over the suit property.

02. The defendants failed to file their say on this application, and therefore, this application proceed without their say.

03. Perused the record. This is a suit for recovery of possession of encroached portion, declaration and perpetual injunction. It is an established principle that the relief of "status-quo" is a relief which is granted to preserve the property, and to keep the property in its current form. The Learned advocate for defendants have also preferred an application at Exh.5 seeking temporary injunction asking the same relief. Moreover, at this stage, the plaintiffs have not produced any prima-facie material to show that the defendants are obstructing his possession. The plaintiff has also not prima-facie shown that the defendants have encroached upon the suit property. The plaintiff has produced a judgment at Exh.3/4 of R.C.S. No.114/1982, which shows that defendants are not party to the same. Though, on 7/12 extract (Exh.3/1) of suit property, plaintiff's name is mentioned, prima facie, the plaintiff failed to show encroachment and obstruction on the part of

defendants. Hence, when at this stage, prima facie case is not made out, status quo cannot be granted. Therefore, it is necessary to reject the present application. Hence, the following order:-

ORDER

1. The application vide Exh. 12 is rejected with costs.

Kale-Kheriwade.
Date-19.12.2024.

(H.M.Patel)
Ext.Jt.Civil Judge Jr. Dn.
Kale-Kheriwade.