

Order below Exh.No.16 in R.C.S. No.194/2017
(Hanmant Vs.. Madhukar & ors.)

Present application is filed by plaintiff for granting status quo against defendant till filing say on temporary injunction in respect of construction over suit land.

2. According to plaintiff defendant appeared on service of summons and seeking time for filing say ans W.S. He orally submitted before court that defendant already stopped construction over suit land through mediator, but denied given undertaking in that regard. Considering this fact there is possibility of continuous construction over suit land, so the entire meaning of T.I. will be frustrated and plaintiff will cause irreparable loss. So he prayed for granting status quo against defendant.

3. On the other hand defendant replied that, suit summons served on 15.12.2017 but plaintiff did not provide necessary documents. They also denied fact of stopping of consideration over the suit land. As there is no prima facie case and plaintiff not come with clean hand, defendants prayed for rejection of application.

4. Perused the record. Present suit is for recovery of possession and perpetual injunction of suit land. Wherein plaintiff filed interim injunction and prayed for restraining defendants from construction over suit land. Considering the fact of non supplying of document defendant already filed application below exh. 15 and plaintiff supplied necessary documents and defendants received the same. During submission for granting time to defendants, their advocate submitted that after complaint of plaintiff defendants stopped construction in presence of panchas through mediation, but refused to give undertaking. Present submission of advocate for defendants is statement at bar. Moreover, considering the say of defendants on this application they denied to stop construction, hence this fact itself shows that at this interim level if construction is going on it will cause prejudice to plaintiff.

5. Moreover, at the time of passing this order both the parties are agreed to maintain status quo till next date and on that condition plaintiff has no objection to grant time for filing say on 05.01.2018. Hence, considering submission and oral undertaking given by both the parties and oral undertaking by advocate of defendants not to construct till 05.01.2018, following order will suffice the purpose.

ORDER

1. Application is allowed.
2. Both the parties are directed to maintain status quo over suit land and defendants are restrained from making construction over the suit land till next date i.e. 05.01.2018,

Date: 16/12/2017

(Y.D.Koinkar)
Civil Judge, J.D., Chakur